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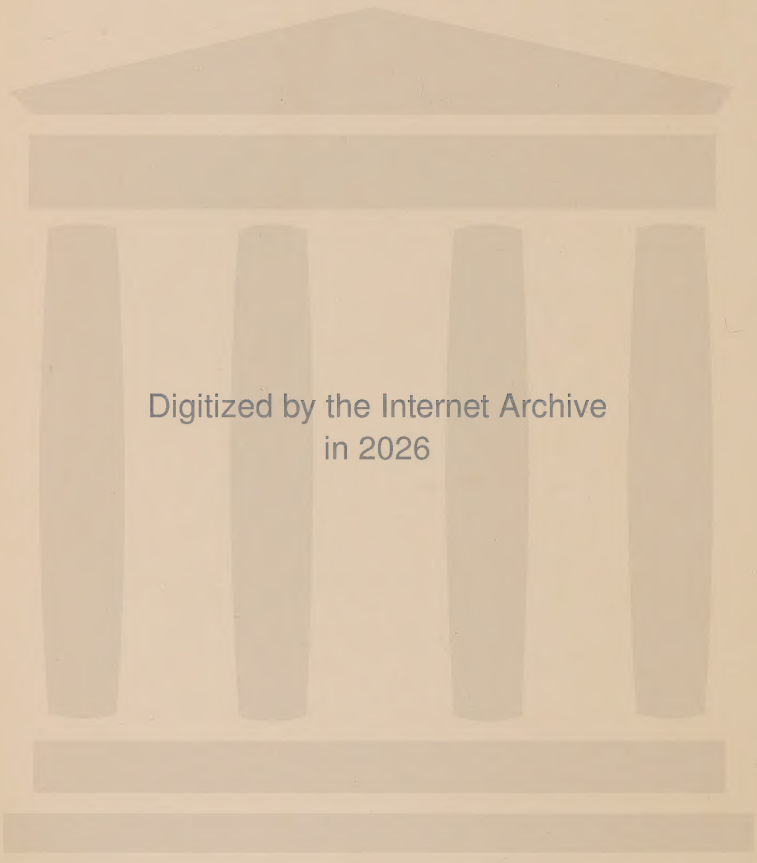

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HANSARD'S

PARLIAMENTARY DEBATES:

THIRD SERIES,

COMMENCING WITH THE ACCESSION OF

WILLIAM IV.

12° VICTORIÆ, 1849.

VOL. CV.

COMPRISING THE PERIOD FROM

THE EIGHTH DAY OF MAY, TO THE

ELEVENTH DAY OF JUNE, 1849.

Fourth Volume of the Session.

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1849.

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HANSARD'S

PARLIAMENTARY DEBATES,

IN THE

Second Session OF THE *Fifteenth Parliament* OF THE UNITED KINGDOM OF *Great Britain* AND *Ireland*, APPOINTED TO MEET 2 NOVEMBER, 1848, AND FROM THENCE CONTINUED TILL 1 FEBRUARY, 1849, IN THE TWELFTH YEAR OF THE REIGN OF

HER MAJESTY QUEEN VICTORIA.

FOURTH VOLUME OF THE SESSION.

HOUSE OF LORDS,

Tuesday, May 8, 1849.

MINUTES.] PUBLIC BILLS.—2ª Navigation.
Reported.—Exchequer Bills.

PETITIONS PRESENTED. From Gravesend, and other Places, for the Suppression of Seduction and Prostitution.—By Lords Faversham and Wharncliffe, and by the Earl of Harrowby, from Glooston, Yorkshire, and from Liverpool, and other Places, against any Alteration in the Navigation Laws.—From Huddersfield, against the Granting of any New Licenses to Beer Shops.—From Yorkshire, and Dundee, for an Alteration in the System adopted by Government respecting the Distribution of Grants in Aid of Public Education.—From Carrickfergus, against the Imposition of the Tax of a Rate in Aid upon Ireland alone.—From Lincolnshire, and a Number of Places, for the immediate Revision of those Taxes which press with undue Severity on the Cultivators of the Soil.

NAVIGATION BILL—ADJOURNED DEBATE.

ORDER of the Day for resuming the Adjourned Debate on the Second Reading read.

The EARL of CARLISLE said, that in presenting himself to their Lordships, he could not but regret that on the first occasion on which he had had to address himself to a question of serious importance in their Lordships' House—to say nothing of the great disadvantage under which he was labouring in having to follow the eloquent speech of a noble Earl last night—the animation of which had lost nothing of its effect in the interval—he should feel himself under the necessity of opposing many long-cherished feelings, and of running counter to many deep-seated prepossessions which had long prevailed in that assembly, and which that speech was so well calculated to reawaken. He must, however, endeavour to find a compensation in the conviction that the policy which he was prepared to support was calculated to produce far more general good, and to promote more wide-spread interests, than could be comprehended in any one class of the community, however enlightened or however powerful. He was glad that on this question those of their Lordships who opposed most strenuously the views of Her Majesty's Government must be entirely acquitted of any selfish or personal motive in so doing. However severely and however unjustly their Lordships might have been attacked on former occasions, he could not but feel that on the question of the navigation laws no personal or class

interests, no selfish or sordid motives, could be attributed to them as likely to warp their judgment or to influence their legislation. On the other hand, he claimed for himself credit for a sincere desire to promote the general good, and to preserve untarnished the immemorial glory of the country. The noble Earl who closed the debate of last night so eloquently had declared that the measure which the Government had introduced would be detrimental to our maritime interests, and would be destructive, as he said with much solemnity of emphasis, to the naval superiority of England. Now, he (the Earl of Carlisle) could only say, that if the measure of the Government was of such a character as the noble Earl had described it to be, or if it even ran the risk of producing such results as those which the noble Earl predicted, Ministers ought to encounter, not only defeat but ignominy also, for introducing it. His belief was, that the assertion of the noble Earl was an erroneous exaggeration, or, if he might be permitted to say so, an utterly baseless notion. His conviction was, that the tendency of the measure they had introduced—as he well knew it to be its object—was to give increased activity to the commerce of the country. His conviction also was, that commerce was the best nurse and support of our mercantile marine, and that our mercantile marine was the best pledge and guarantee of our naval and national greatness. The noble Earl had further, with a somewhat vehement indignation, denounced the Bill for seeking to give, at all risks, greater wealth to the country, and had said that wealth alone was not the sole good of a State, any more than it was of an individual. He concurred with the noble Earl in denouncing that wealth which was too dear for a country's freedom; but the question in the present case was, whether the wealth which Government was anxious to promote by the present measure, was not the due, the proper, and the unforced reward of honest industry, and whether it would not tend to continue and prolong the peaceful intercourse of nations? He felt himself, on the present occasion, happily absolved from the necessity of entering into a history of the navigation law, or into a detailed account of its provisions and enactments, for that duty of the Government had been fulfilled most satisfactorily last night by his noble Friend the President of the Council; and he likewise felt that it would be equally presumptuous in him to encroach on the duty of his noble Friend the Colonial Secretary by venturing to touch upon the close and intimate bearing of those laws upon our colonial connexions, not because he did not consider that point of the greatest importance, but because it fell under the especial care of his noble Friend, and because he would be able to do it more adequate justice. He must take leave to say, in the outset of his remarks, that he could not bring himself to look at our code of navigation laws with that implicit deference and with that reverential awe which were professed for it by many. Even at its outset it had been attended with disastrous results. It had been enforced by the Commonwealth, the Protectorate, and at the Restoration. Its first enactment appeared to have been dictated by jealousy of the Dutch, in consequence of their success in procuring for themselves the carrying trade of the world; and its first results had been two sanguinary wars with that nation. As a course of restriction and exception, when once entered on, could scarcely ever be stopped or abandoned without the occurrence of some great check, their Lordships would not be surprised to hear that the original provisions of the navigation laws were soon enforced by the Act which first introduced into the Statute-book the long list of "enumerated articles;" by the restrictions laid on English merchants not to carry European produce to the colonies, or to bring foreign produce home, except in English-built ships; by the prohibition of importations from Holland, the Netherlands, and Germany, except in the same description of vessels; and, lastly, by the extension of those restrictions to Ireland, which at last became intolerable from their intensity, and goaded that gallant nation first into discontent and afterwards into rebellion. They were further reinforced by restrictions on the colonies, which had been declared by one of the highest authorities in the United States, their present Minister in England, Mr. Bancroft, in his *History of America*, to have been the main cause of the resistance offered to Great Britain in that country, and which had also been declared by the unsuspected testimony of a British statesman (Mr. Huskisson) to have been the chief co-operating cause of that unhappy conflict which terminated in the independence of the United States, and which had led to the introduction and extended the growth of American manufac-

tures. These were some of the consequences and some of the rivalries and heart-burnings with which our navigation laws were justly chargeable, and which ought fairly to be set down as offsets to their account, whenever any fulsome panegyrics were passed upon their merits. He was, however, in the concerns of nations as in those of individuals, inclined to let "bygones be bygones;" and in the circumstances of bygone times, when the Dutch monopolised the traffic of the ocean, and when our naval resources were scanty, ill-provided, and ill-organised, he was not inclined to deny that the policy of these restrictions might have been justifiable. But he would now ask their Lordships to consider whether, in the circumstances of the present times—in the middle of the 19th century, in the present state of our international relations, in the maturity of our wealth and power—it was expedient still to maintain the restrictions which had been thought necessary to foster our commerce in its infant exertions? And, in considering that point, their Lordships ought to ask themselves, first, whether, upon the supposition that the navigation code was the wisest and the most perfect code which the wit of man could have devised at the time of its enactment, it was now in our power, even with a view to our profit, to maintain it on its present footing? It was all very well for the noble Earl to assert that he was well satisfied with the existing law; but he put it to the noble Earl whether he could expect to maintain it, even in its present efficiency, or, he should rather say, inefficiency? Independently of all commercial restrictions and all political prohibitions, the circumstances which occurred at the commencement of the present century made us nearly exclusively the carriers of the world. The battle of Trafalgar, to which the noble Earl alluded last night with such thrilling effect, had cleared the ocean for our ships more effectually than any Parliamentary prohibition or any maritime code could have aspired to do. On the re-establishment of peace, from continued disuse to the sea, it was long before the Continental nations made any exertions to create a marine or to convey their own goods in their own vessels. But it was not long before reaction against monopoly arose, and encouraged a growing spirit of resistance against those who wished to continue in their own possession all the advantages of trade. That tendency had been acknowledged and yielded to by the sagacity of the Administration which introduced and concluded the reciprocity treaties. Some intimations of the same spirit were now observed again. We knew that some of our treaties with foreign Powers which were most favourable to our commerce had either expired, or were on the point of expiring. It should be remembered that Russia, Denmark, Holland, and Austria could, by giving us twelve months' notice, put an immediate termination to their treaties with this country. The noble Earl had spoken of those intimations as so many threats addressed to the Government of Great Britain, and had insisted that, if the affairs of the country had been properly administered, no such improper threats would ever have been addressed to us. Whether the affairs of the country had been properly administered or not, he would not stop to inquire; but the noble Earl might perhaps expect, by his vote of that night, to find others who would administer them better. Still, with all deference to the noble Earl, he must say that this was a very puerile mode of treating this part of a great question. Did the noble Earl really mean to say that an intimation to us on the part of Austria, to whom we declined to give any portion of our carrying trade, although she gave all her carrying trade to us—did the noble Earl mean to say that an intimation from Austria that she would no longer carry on commerce with us upon such unequal conditions amounted to a threat, or anything like a threat? Her Majesty's Government had been charged by noble Lords on the opposite benches with not having shown of late sufficient deference to that ancient ally of Great Britain, Austria; but Her Majesty's Government would be treating Austria with greater indifference, nay, with greater disregard, than any which they had ever yet been accused of exhibiting, if they were to turn a deaf ear and pay no attention to her remonstrances on this head. So, too, with regard to Russia, where our ships were received into all the ports on the footing of Russian ships, and where we participated freely in the direct and indirect trade of the country. Did the noble Earl mean to assert that if the Emperor of Russia should inform us that when our treaty with him expired, as it would do in 1853, he should decline to renew it—did the noble Earl mean to assert that such an intimation, coming from the master of the half of two quarters of the globe, would be an improper threat? It had been said in the course

of the debate that such a threat on the part of Russia would be no great threat, because Russia did not possess any mercantile navy. Was that so? Their Lordships should determine. He held in his hand an account of the tonnage of vessels belonging to Russia, France, and other maritime countries which entered at the ports in the united kingdom in each year, from 1846 to 1848, stated exclusive of vessels in ballast; and in those three years, with the exception of France for one year, the largest amount of tonnage was set down to Russia. Here the noble Earl read the following table:—

Flag.	1846.	1847.	1848.
	Tons.	Tons.	Tons.
Russia	68,995	80,420	76,108
Sweden	44,648	68,355	51,956
France	38,039	49,623	108,362
Holland	53,538	58,445	76,000
Belgium	38,391	34,246	38,322
Spain	21,311	28,202	14,672
Portugal	13,353	8,466	7,858
Italian States...	57,498	89,604	29,749

Under such circumstances he thought that their Lordships ought to be prepared to expect that foreign countries would refuse to renew their commercial treaties with us on the same terms as before. The noble Earl had announced that he should prefer having the terms of our trade with foreign countries settled by preliminary treaties; but that he could not bring himself to believe that Her Majesty's Government were the parties who could enter into the discussion of these treaties with advantage. The noble Earl might fancy that some of his friends might make them better: and if they came into office, as some of them expected, they had better try. He wished, however, to call the attention of their Lordships to the effects which would follow in case foreign countries should seek to renew their treaties with us on terms more favourable to themselves, and we by refusing such terms should lose the favourable advantages which we now possessed. In alluding to this subject last night, his noble Friend the President of the Council had stated, that if foreign Powers should refuse to renew their commercial treaties with us, they would throw 200,000 tons of British shipping out of employment. It appeared from the evidence given before one of our Committees, that the amount of British shipping which entered and cleared at some of the principal European ports, distinguishing the direct and carrying trade, was as follows:—"Entered from foreign ports, 233,521 tons. Cleared for foreign ports, 220,268 tons." From this it was evident that, should the countries to which these ports belonged turn our system against ourselves, they could throw, on a very low statement, more than 200,000 tons of British shipping out of employment. Alluding to this assertion, his noble and learned Friend opposite, who followed the noble Marquess in the debate (Lord Brougham), had made a strange and uncalled-for attack upon him. The statement of his noble and learned Friend was, that "the assertion that there was a sum total of 215,000 tons of direct trade, all liable to be cut off by treaties, was a fiction of the grossest, he might say the most scandalous, character that he had ever heard." His noble and learned Friend further added, "that he had never seen so gross a case; for out of 7,101 there had been manufactured 215,000 tons, in consequence of the vessels having gone thirty-two voyages in the course of the year." Now, he thought that his noble and learned Friend must in some unaccountable confusion have mixed up two cases and two returns, which were and ought to be kept quite distinct from each other. His noble Friend the President of the Council had mentioned that we had 200,000 and odd tons engaged in the carrying or indirect trade; and, the figures being nearly the same as the figures contained in a return presented to the House of Commons, showing that 7,101 tons of steam tonnage in the trade with France, Holland, and Belgium were made to represent 228,127 tons, owing to repeated voyages, his noble and learned Friend had come to the conclusion that these 7,101 tons of steam tonnage engaged in the direct trade with certain countries, formed the real amount of our total tonnage engaged in the indirect trade with the whole world. Though there had not yet been time since the delivery of his noble and learned Friend's speech to make out a return of the name of every British ship engaged in the indirect trade of the world, yet, from an account which he held in his hand, he found that the tonnage of British vessels (and he had the name of every ship) that arrived at the port of Hamburgh in 1847, and were employed in the indirect trade, that is, in sailing from one foreign port to another foreign port, amounted to 12,590 tons. He also found that those 12,590 tons belonged to sixty-two ships; and, of that

number, twenty-one sailed again for foreign ports. Besides, there were sixty-three ships, which, having arrived from British ports, sailed for other foreign ports. He had no doubt that, if he had similar returns from the ports of Trieste, Brest, Marseilles, &c., he could point out the name, cargo, and destination of every ship there engaged on every voyage. But the fact was, that the steamers passing to and from this country to the Continental States rarely if ever engaged in the indirect trade; and he must say that his noble and learned Friend, who he was sure had made his statement inadvertently, ought, before he impugned that of the Marquess of Lansdowne, and used the big words in which he ventured to indulge, to have ascertained by examination how the case really stood. He had hitherto been endeavouring to show to their Lordships that there would be considerable risk in their attempting to maintain things on their present footing; for every foreign country would undoubtedly watch its time, and after the example of the United States would refuse to deal with us except upon the same measure which we dealt out to them; and then, when we had forfeited the indirect trade of foreign countries, he had the fullest expectation that the complaints of our merchants and manufacturers, of our shipowners and shipbrokers, of our wharfingers and sailors, of our dealers in iron and our forgers of copper, would be pitched to a deeper note of distress than any which had yet been used by those who thought they might be prejudicially affected by this Bill. What he wished next to put to their Lordships was, whether, even in the present state of things, there were not evils generated which it would be as well to get rid of? The inconveniences arising from the present condition of the navigation laws had been ably detailed to their Lordships by his two noble Friends the President of the Council, and the Vice-President of the Board of Trade. They had also been illustrated in the most powerful manner by the daily recurring experience of those who had the most concern in these matters. He had gleaned from their experience a few of the evil effects which had been produced by the operation of the navigation laws; and, in order that he might state them with accuracy, he had made out a written list of the various ways in which the importation of various important articles of traffic were impeded by them. They were indications of what was happening or might happen every day; they were instances of the manner in which the navigation laws interfered with the commerce which it checked, and with the prosperity which it marred. When he had gone through his list, he thought that he should convince all who heard it that the navigation laws were not without that connexion with free trade which had been so unadvisedly disclaimed in that House. He would begin with the article of cotton. His statement was:—

"That cotton which was brought to Havre on English account in a foreign ship, which could not be disposed of in France at any price, and which could have been sold at Liverpool to advantage, might not be conveyed from Havre to Liverpool in a British ship, but might be reconveyed to the United States in a foreign ship, and thence brought to Liverpool in an American ship, thus depriving the British ship of employment, and depriving the English market of cotton when there was a distressing deficiency in the supply.

"That sugar could only be sent from Guiana and other colonies to England, at a freight of 3*l.* 10*s.* or 4*l.* a ton; while slave-grown sugar—which we are accused of unduly encouraging—could be sent from St. Croix, in Danish ships at 2*l.* 10*s.* a ton, thus discouraging the supply of colonial and free-labour sugar; that no British ships could be procured to export free-labour sugar from Batavia.

"That copper is now produced in great and growing abundance in Australia, and cannot find a sufficient number of British ships to convey it to this country, and the high freights, which are the necessary consequence, diminish the profits of what is sent, which has led to the project of establishing smelting works in Australia, instead of employing, first, the shipping, and, next, the manufacturers of England for that purpose; that, again, as German ships which now carry out emigrants to Australia may not carry back copper ore, or meat, or any of the produce of Australia, as return cargoes to this country, or to their own country with a view to exportation to this country if the market at home should not be remunerative, therefore, at Hamburgh they have also established smelting works in their own defence, again creating a gratuitous competition with the manufacturers of this country.

"That wrought hides may be imported into this country in any quantity from France or other countries; but if there was any superfluity of raw hides, they might not, under the navigation laws, be brought to this country for the artificers of this country to manufacture, unless they were sent all the way back to America.

"That cochineal, another article of most rapid increase from the Canaries, has its chief depôt at Cadiz, whence it is taken in French ships to Marseilles, but it cannot be taken, under the navigation laws, even in English ships to England, because the Canaries are suffered to be geographically in Africa, and therefore the produce must be imported in English ships from the Canaries themselves, where there is not independent inducement for English ships to go; while at Cadiz there is always a multitude of British ships for the pur-

pose of bringing wine, but which are not suffered to bring this valuable and much-wanted dye.

"That Madeira wines may not be brought from Lisbon even in English ships, where they would always be in great abundance. Nor the gums of Senegal from their chief depôt at Marseilles. Nor the dyewoods of West Africa from a large depôt of them at Marseilles. There may be a surplus supply of all these articles in these ports; there may be a deficient supply at home; the ships loading with sherry and claret may be full of convenient chasms absolutely yawning for these light assortments, but the prohibition is complete and inexorable.

"That nitrate of soda, more highly thought of as a manure, has sold for from 2*l.* 6*s.* 6*d.* less at Hamburgh than here, but for the same sum could not be brought even here.

"That a parcel of Alpaca thread was actually the subject of this veritable transaction. It arrived in Hamburgh—a great depôt for merchandise from South America—from Peru, was purchased, sent to Hull, refused admittance, shipped thence to New York, re-exported to Liverpool, and sent into the manufacturing districts, where it arrived too late for the demands of the market.

"That Java indigo, which was much wanted for some of the more delicate manufactures of this country, was purchased in Holland, but, in order to secure its entry into this country, it was shipped in a Dutch vessel to the United States, and thence exported to this country.

"That palm-oil, Manilla hemp, logwood, have all been waiting for shipment in the United States, and because no British vessels were to be had they all failed of being sent.

"That it is stated by a Hamburgh resident that the operation of the navigation laws with respect to the supply of Peruvian wools to this country, such as are brought to the continent of Europe first, is unquestionably unfavourable to British manufacturers, because the German manufacturer is purchasing that article now at a less price than the manufacturers can purchase it in Lancashire and Yorkshire, and the consequence must be that the German manufacturer can afford to sell his cloth at a less price than the English.

"That at Bombay and Calcutta, though there is constant uncertainty whether there will be ships to carry produce to England, and the freight has been as high as eight guineas a ton, and though the same ports are filled with ships not only seaworthy, but efficiently commanded, and which would bring home that produce, if they were suffered to do so, yet because of that preposterous disability which attaches to ships manned by Lascar sailors, they are not suffered to do so."

His Lordship then proceeded: I cannot for my life discover why, if the Lascars are good seamen, as unquestionably they are, and if they are also British subjects, which cannot be denied, they are not to be engaged as sailors on board of British ships. That eminent shipowner, the late Mr. Somes, when examined before the Committee of 1844, gave this evidence as to their character. He said—

"That going in the East India trade he would rather have Lascars. In a warm climate you do not require a greater number of them than of British seamen. Their great merit is their orderly conduct; they are as quiet as lambs on board ships."

The noble Earl then proceeded to read the remainder of his statement, which was to this effect:—

"That with respect to the noblest, because the most useful article of interchange, I mean the bread we live upon, it is stated by the Board of Trade at Toronto, September, 1846, that large quantities of produce were forwarded to Montreal from the interior, where it had been produced during the preceding winter, at prices severely enhanced by the exaggerated reports which reached Canada of the scarcity of breadstuffs throughout Europe. On arrival it was found impossible to obtain shipment for it at less than 6*s.* a barrel, and the holders were threatened with insolvency alike from its shipment or retention, and perceiving most distinctly that the chief cause of their difficulties was to be found in the present navigation laws of Your Majesty's kingdom, a feeling of deep dissatisfaction therewith has arisen in the minds of Your Majesty's Canadian subjects."

Now, he would ask their Lordships to consider what this long enumeration of cases proved? Did it not prove beyond all contradiction this—that we could not pursue our old career any longer, and that we must enter upon a new track? Yes, these laws impeded, obstructed, and, if he might use a common phrase, bothered every branch of our trade in every quarter of the world. These laws seemed to him to be nothing better than an ingenious attempt to double the freight of every commodity imported into England, and to multiply the distances which divided the different countries of the world from one another. In our anxiety to secure the long voyage, we forgot that we deprived ourselves of a number of short ones; and, in our desire to grasp the profits of the short voyage, we had recourse to measures calculated to drive our colonies to resistance, if not to pave the way to more active and open hostility, ending in their ultimate secession and independence. Instead of appropriating to ourselves the resources of all other countries—the riches of the globe in the easiest manner—though it was no easy matter under any circumstances—we surrounded them with difficulties of our own creation, and rendered the ocean more dissociable even than pagan poets had described it. He would now say a word or two on another point, which his noble and learned Friend had much laboured, namely, the degree in which the mercantile marine was a nursery for the Royal Navy, He reminded their Lordships that the modern system of the Royal Navy, and more

particularly the steam department of that Navy, required a larger number of hands specially trained for its service; whilst at the same time, the introduction of steam navigation dispensed with a number of hands which were formerly required to man the sailing ships. You had thus on the one hand a special number required for the naval service, and yet a smaller number wanted in the aggregate of the two services. If in the future, as would probably be the case, we should have to derive assistance from the mercantile marine to man the Royal Navy, he could not but entertain a confident hope that we might rely on an adequate supply of sailors for the national Navy, when he saw that in the interval between 1823 and 1847 the number of our sailors had increased from 165,000 to 252,000, and the amount of our tonnage from 2,506,760 to 3,952,000, being an increase of 50 per cent. Another point on which some stress had been laid by the noble Earl who spoke last night was the levity with which his noble Friend the President of the Council had spoken of the apprenticeship system in the mercantile Navy. Undoubtedly that system was represented as a burden on the shipowners, for it was an inconvenience to ships upon a short voyage to be compelled to carry a certain number of apprentices; but still the shipowners had declared their willingness to bear it in return for the other privileges which they had got. Indeed, so far from there being any indisposition to take a number of apprentices—who were useful upon long voyages—there were now in the merchant service 10,000 more apprentices than our merchant vessels were compelled to take by law. The next point to which he would refer was the capacity of unprotected British shipowners to compete with the foreign shipowners. It appeared to him that there were many considerations connected with that part of the subject which ought to go far to dissipate any apprehensions that might be entertained with respect to the consequences of the proposed alteration of the existing system. If we considered the strength and durability of British shipping, as compared with the strength and durability of the shipping of the United States, or with the less strong and less enduring shipping of the north of Europe, we should find that we were not likely to suffer any material disadvantage—he should rather say, we suffer no disadvantage at all from the measure now proposed. He would read to their Lordships the evidence of a gentleman who had been examined on this point before their Committee—a gentleman who was highly honoured in his own country, and who, he could speak from personal knowledge, deserved to be equally honoured in this—Mr. Minturn. He was asked—

"In what respect should you consider that a ship can be built cheaper in America than in England: where would be the saving?—The only item in shipbuilding which to my knowledge is cheaper in America than in England is wood; and this, for ships built in New York, has to bear heavy transportation—much of the timber being brought by sea from Virginia and Florida, and the plank from Lake Erie, a distance of 500 miles. The iron is imported from England, and pays a duty of 30*s*., besides the expense of importation. Copper is also much higher than in England, and wages are nearly double."

Mr. Graham, the secretary to Lloyd's, also said—"The first-class British ships are the best ships in the world, and are superior to American ships." And Captain Briggs stated that such ships as he had spoken of, costing 20*l*. per ton, "would not stand A 1 for 12 years. The Americans have no ship that would stand A 1 for 12 years in this country." Another witness stated—

"A Hamburgh vessel, from 200 to 500 tons, iron-fastened and coppered, costs ready for sea, about 11*l*. a ton. She stands seven years A 1, and no more. The English ship costs 20*l*. a ton, stands twelve years A 1, and four years more, making sixteen years. The Hamburgh ship, therefore, stands nine years less on the first letter than the English ship. We deduct, as before, 1*l*. a ton for each year, and we find the English and the Hamburgh ship are the same cost. We have yet to consider the expense of navigation.

"It is, therefore, fair to assume that the English vessel, as far as regarded its durability, is worth, as compared with the colonial vessel, in the proportion of twenty-two to seven."

Mr. Wilson, of Sunderland, used this language to the same Committee:—

"If any other proof be wanted that foreigners have no advantage over England in the build and navigation of ships, we have it in the fact that when the shipping trade is depressed and freights non-remunerative, the British shipowner is not 'the first' to let his ships lie rotting in harbour and the sailors fill the workhouse. The contrary is notoriously the fact. In those years of depression the foreigner is the first to lay up his vessel."

The Parliamentary returns prove, beyond all manner of doubt, that on every recurrence of distress in shipping, there is a great comparative decrease of foreign and a corresponding increase of British vessels employed in the foreign trade. And did not language like that stand to

reason, when we considered the countries from which the materials came required for the construction of foreign vessels? We furnish them with iron, with copper sheathing, with chain cables, with sails and canvas, and with cordage — all articles on which they have to pay a duty, and we have not. The only article on which we have to pay a higher duty than they have, is timber; and the duty on timber is only 3*s.* 6*d.* in the 18*l.* or 20*l.* per ton which the ship originally cost. He would not enumerate the other sources of our superiority, but only to observe that in our colonies we had the cheapest supply of timber in the world. While the Americans had their oak—and splendid oak it was—we had also splendid timber—so much so that our native oak was estimated at 4*l.* 10*s.* more than that of foreign countries. Their Lordships' attention had been called to the great increase of steam navigation; and he might remind them that with regard to providing steam vessels and furnishing their machinery and materials, no nation could enter into rivalry with the united kingdom. He found that our machine-makers could lay down steam engines in the Baltic ports 30 per cent lower than the makers in those ports could do themselves. He thought it might, therefore, be confidently asserted that, with respect to steam-ships and iron-built vessels, no country could stand a comparison with this. They had reason to hope, then, that they would not sustain a disadvantageous competition with foreign countries, when they swept away the last imperfect and illusive remains of the protection which they still retained under the navigation laws. He thought his noble Friend (the Marquess of Lansdowne) had been somewhat unjustly reproached for not having spoken with sufficient respect of the still existing remains of the navigation laws when he described them as "shreds and tatters." Why, what were the terms in which the most obstinate adherents to the present navigation laws had spoken of their prospects since the adoption of the reciprocity treaties? Mr. Young had stated before the Committee of the House of Commons in 1847, that protection was inadequate in those trades with regard to which they had virtually abrogated the navigation laws; and that, in fact, they had no protection. He thought this was in effect a very similar description to that which had been given by the noble President of the Council, when he characterised the navigation laws as a remnant of protection—as a thing of shreds and tatters. He (the Earl of Carlisle) was not without hope that the final and complete removal of this monopoly would have the same effect which had invariably attended similar measures with respect to other branches of industry—that it would tend to stimulate exertion, and to lead the way to improved and economical modes of management. He would not enter upon the invidious task of inquiring what were the shortcomings and defects of their present mercantile marine. He thought, however, that it would be unwise to pride themselves too much upon its efficiency; for he feared there were many things, especially connected with the condition of the seamen, the sanitary regulations of the ships, and in some degree also with the qualifications of masters, in which amendment was greatly required. The noble and learned Lord (Lord Brougham) had last night called attention to a most interesting and valuable work, published in America, called *Two Years before the Mast.* He (the Earl of Carlisle) had made the acquaintance of the author of that work; he had asked his opinion on this subject, and he was satisfied that opinion had been given sincerely and honestly. His friend, Mr. Dana, who had had great experience and opportunities of observing the crews of vessels from all parts of the world, had told him, that he thought the British sailor was a more thorough sea creature than the American sailor—that he was, in fact, the best seaman that could be found in the world; but that he considered, with respect to the masters of merchant vessels, that the American masters were better educated, more generally accomplished, and better instructed in those branches of scientific knowledge which might be of service to them, than the same class in this country. He (the Earl of Carlisle) would not enter into detail upon another point which had been touched upon by the noble President of the Council—namely, that in many lines of navigation and trade, where British ships were now subjected to direct competition with the ships of all other countries, they were able to carry on a successful competition. His noble Friend had gone through a variety of instances to show how British vessels competed with the ships of the United States and of Hamburgh. The ships of the United States competed successfully with the cheapest-built ships in the world—those of Sweden, Bremen, and

Antwerp; but British ships were able to beat the American shipping even in the ports of the United States. He (the Earl of Carlisle) thought there could not be a stronger proof than that of the power of this country to compete successfully with foreign ships all over the world. Indeed, it almost stood to reason that that nation which upon the greatest number of points on the surface of the globe could present the largest number of ships, and could offer the lowest rate of freight, must, in the end, secure the greatest proportion of the carrying trade of the world. This was what formerly gave their envied ascendancy to the Dutch, and what, he firmly believed, with the means and appliances which we possessed, would ensure a similar ascendancy to this country. Low rates of freight would do for traffic on the seas what low rates of travelling had done for traffic by railway on shore—they would create traffic where none had existed before, and would suggest wants which had not been felt before, and which, besides suggesting, they would satisfy. Even conceding, then, that the repeal of the navigation laws would confer advantages upon foreigners, yet, believing in the impulse that was always given to trade when the cords of restraint were loosened, and believing in the unbounded elasticity of British trade, and its capacity to surmount all obstacles, he entertained the confident hope that they would eventually secure by far the largest proportion of the multiplied traffic of the world. He could, indeed, well believe that a system of exclusion and monopoly, such as had been the pervading motive of their navigation code, but which was found impracticable in the present condition of the world, might have appeared plausible when our powers were confined within narrower limits, and when our commerce had not swelled to its present gigantic proportions; but now, when there was no region of the world in which we have not peopled the shores or occupied the seas, from Aden to Oregon, or from Newfoundland to New Zealand, every obstacle and impediment was multiplied tenfold. We had by our enterprise and activity so dotted the globe with our stations, that to interrupt or complicate the traffic between them and the rest of the world, was to make our legislation an universal nuisance. He (the Earl of Carlisle) had endeavoured, in discussing this subject, to lay the chief stress upon that activity and development which he believed the relaxation or abolition of the navigation laws would confer upon the commerce of this country; but he was not blind to the consideration that the colonial part of the question was that which most immediately pressed upon the attention of the Legislature. He was not ashamed of those associations connected with the commerce and the woollen trade of the West Riding, which still clung to him even in that assembly. He might, however, be met by the statement that a very large portion of the mercantile body not only did not apply for this measure, that they did not wish for it, but that they repudiated it, and had even petitioned against it. He admitted that this seemed to him to be the strongest point raised against the measure; but he accounted for the indisposition of a large portion of the mercantile body to the Bill, by the circumstance that when any set of men had for a long time occupied themselves in any particular branch of trade or industry, and had done so with success, there was a tendency on their parts to wish to leave things just as they were, and not to clear away from the course of their successors difficulties which they had themselves successfully surmounted. He believed that if a royal road to geometry could be invented, the persons who would most object to it would be geometricians. This rule applied to every class of persons. When they had obtained a certain degree of eminence in a particular pursuit, they thought it could only be obtained by others in the same manner, and every altered mode of exertion seemed to them impossible. He would only further remark, that while he anticipated the greatest benefit to commerce from the abolition of the navigation laws—while he thought it would give facilities for their intercourse with all the rest of the world, and would enrich this country with that most harmless wealth which a noble Earl opposite had last night seen fit to denounce, but which no one could deprecate when following in the wake of honest and peaceful industry—he still could not listen unmoved to the predictions of evil with which some noble Lords accompanied the adoption of this measure —predictions of risk to our shipping, of injury to our commerce, and of danger to our national defences. If he believed this measure could have such a tendency—if he did not think it was likely to have the very opposite effect—he certainly would be the last person to appear as its supporter. He trusted, however, that he set

a just estimate upon the naval character of this country, upon the enterprise of its mercantile marine, and upon the deathless glory of its national fleets; and that it was not in the year in which *Rule Britannia* had been first heard in the streets of Paris that they would have that strain unlearnt at home. The reason why he did not anticipate any risk to their commerce, any damage to their shipping, or any danger to their national defences, but the contrary, from the present measure, was this—because he believed that the sure, though perhaps gradual, effect of the measure would be to give increase of employment, enlarged activity, and renewed vigour to the general trade and commerce of the country; and because he believed it was the commerce of the country stimulating their agriculture, rewarding their manufactures, and developing every branch of industry, which was the main cause that gave employment to their fleets, that guaranteed permanence and security to their national defences, that had hitherto made this country the mistress of the sea, and that, with the blessing of the Almighty, would always keep her so.

Earl NELSON said, that he had listened with deep attention to the noble Earl who had just sat down, but confessed that he had not heard any sufficiently strong grounds stated to justify this Bill being brought forward against the expression of the strong opinion of the country against it. The noble Earl had referred to a long list of grievances connected with those laws; but he would like to know what measure there was which could not also have its long list of cases cited against it? They were cases that he had heard of before in the report of the Committee of their Lordships, and he had heard answers sufficient to convince him that the evil resulting from these cases did not counterbalance the benefits derived from this measure. He would not attempt to follow the noble Earl who had just sat down through all the details of his speech—that he would leave to abler speakers. He was surprised that the noble Marquess who moved the second reading of this Bill should have thrown anything like disdain upon the expression of feeling on the part of this country, or that he should have endeavoured to underrate the value of the petitions which had been laid upon the table of their Lordships' House against this measure. The state of public opinion had been shown in the great decrease of the majority in favour of the measure, as compared with that of last year, in the House of Commons. It had been alleged, that most of the petitions which had been presented against the Bill had emanated from agricultural bodies; but it appeared by a return made to their Lordships, that up to the 4th of May the number of petitions presented had been 182 against the measure, and only six in its favour. Of the 182 against the Bill, fifty-seven were from owners and occupiers of land, and the remainder from shipowners, or from persons directly interested in the shipping trade. He confessed that he could not reconcile the arguments used by the advocates of this measure—first, that these laws were so much injury to commerce; secondly, that they were mere waste paper. With regard to the case of the colonies, he found upon reference to their petitions that all which they sought, either with respect to the warehousing system or the direct trade, might be granted under the present Bill; but these privileges had been refused, for what reason he would leave their Lordships to judge. The effect of that refusal had been the cause of several petitions in favour of the Bill; but not one of the petitions presented from the colonies considered the measure as a remedy for their distress. With respect to the question of retaliation, it must not be forgotten that retaliation would be just as possible after the passing of this measure as it was at present. This reminded him of the promises which had been made to them at the passing of the free-trade measures, that foreigners would follow their example. But had it turned out to be so? But all other points of consideration fell into insignificance when compared with the naval interests of the country. Noble Lords on the opposite side of the House seemed to labour under a great mistake with respect to that branch of the subject. He remembered a noble Lord connected with the Board of Trade did not attribute our mercantile superiority to the operation of the navigation laws, but to our isolated position—our great commerce—and extensive colonial trade and possessions. The noble Lord here referred to and read extracts from the evidence of Mr. Dunbar, to show (as was understood, for the noble Lord was occasionally very imperfectly heard) that in the port of Rio Janeiro, which was what was called a free port, Swedish, Danish, Norwegian, and American shipping, competed successfully with British. What

would the trade then be when thrown open to all other nations? Reference had been made to the cheapness of British ships; and it had been said, that the difference between the cost of American-built ships and of English-built ships would not prevent this country from competing successfully with the United States; but it had been stated by a witness whose authority he had never heard questioned, that the Americans could not only build ships more cheaply, but that they could also man and equip them more cheaply, than the shipowners of this country. He believed the adoption of this measure would not only have the effect of damaging the commercial marine of England, but that it would eventually tend to injure the Navy. He could not understand what was meant by inserting the manning clauses in this Bill; they were either put in because the promoters of this Bill feared that the effects of the Bill would be to drive the shipowners of this country to take foreign seamen, or else they were put in for the purpose of blindfolding the opponents of the measure to its real effects. The coasting clauses of the Bill appeared to have been introduced for the same reasons. The noble Earl who had last night addressed the House had referred to the battle of Trafalgar, as the cause of the subsequent success of their mercantile marine. He would not enter into the question whether the consequences of the battle of Trafalgar were favourable or not to the increase of the mercantile marine of this country. They must look a little farther, and ascertain what was the cause of the battle of Trafalgar. The opinion of a man whose title he had the honour to bear, and whose name was still revered all through this great country, might, upon a question of this importance, be brought forward—though dead, he was not forgotten. Though, doubtless, the navigation laws had been, in some measure, altered since his death, yet the principle remained the same as when he lived. He could not forget the conduct of his noble uncle, when in the West Indies, contrary to the orders of his commander, he braved the chance of a court-martial for the purpose of carrying out more strictly the laws of his country; because he considered those laws fundamentally necessary to the maintenance of the Navy of this country. He proved afterwards how necessary they were in the next important period of his life—the battle, or rather the fall of Copenhagen. He was most anxious at that time to act with expedition. He was unable to effect his purpose so speedily as he would have wished, and in a letter written by him he stated that he might have saved the blood spilled at Copenhagen, and obtained a friendly instead of a hostile victory, if he could have fitted out his ships, and got them sooner out of the Yarmouth Roads. In questions of national defence, it was necessary to pay a little more attention to practice than to mere theory. In the year 1801, when his great uncle was appointed, by the unanimous voice of this country, to undertake the duties of fortifying the country against foreign invasion, what could he have done had not the navigation laws been upheld? Where would have been those ships which the merchants were enabled to fit up for him, to enable him to cover the coast? Where would have been those sailors whom he induced to enlist, when they believed their country to be in danger? Where would have been those sailors, those ships—or where would have been the means of building more ships in the country, if by the abolition of those laws the British merchant had been compelled to employ foreign vessels, and British sailors had been employed in a foreign service? The present manning clauses must be upheld, or they would soon see their shipowners sending their goods in foreign-built ships—in foreign-manned ships, and in ships under foreign flags. If that were the case, in what position would the country be placed in a time of war. It was very well, no doubt, for persons to call loudly for general peace, and for the establishment of a system of settling all disputes by treaties between one nation and another; such persons could however, have no security that master spirits would not arise, as had heretofore been the case, and who, throwing aside all treaties, would force nations to war. They might depend upon it that the only effective security for the continuance of peace was the maintenance of a sufficient force. Feeling strongly as he did that this measure would be detrimental to the best interests of this country, he could not content himself by giving a silent vote on this subject; and he earnestly trusted that their Lordships would resist this Bill. He called upon their Lordships to reject the Bill on the ground that it would not foster or encourage the trade of the country; he called upon the free-traders among their Lordships to resist

the Bill, because it was an imperfect measure, and one which, sooner or later, would require to be amended; he called upon all who felt any interest in the prosperity of their country to reject a measure which so injuriously affected the best interests not only of the nation but of its colonies, and which would repeal those existing laws which were necessary, in some degree, for the peace of the world.

EARL BRUCE stated that, as an independent Member of their Lordships' House, he felt anxious to assure them that, after having listened with great attention to the various speeches delivered on this subject, he had come to the conclusion, that never before had it been his good fortune to support a measure introduced by Her Majesty's Ministers with a more perfect conviction that he was right in doing so, than with respect to this measure. A great variety of opinions seemed to be entertained as to the effect of the repeal of the navigation laws. It was thought by some noble Lords that if they were repealed, it would cause the inevitable destruction of the Royal Navy of this country. They argued that whatever might be the inconveniences resulting from the operation of these laws, still that the defence of this mighty empire being involved in their continuance, all other considerations ought to yield to that paramount one. If he for a single moment could imagine that the passing of the present Bill would, in the most trifling degree, expose the country to a foreign enemy, he should, without a moment's hesitation, set aside the most cherished opinions, and at once vote against the Bill, for he felt that the defences of the country must be maintained upon any terms. He was far from subscribing to any such doctrine, but, on the contrary, he fully believed that the country might be most efficiently defended—as efficiently, if not more so, than it had ever been, even though those remaining fragments of the navigation laws should be instantly abrogated. Others, again, acting upon what they considered a conservative principle, though a very unsound one in this case, said, "Let us leave things as they are. We know the worst which these laws can produce." He ventured to caution noble Lords from looking at this question in this manner. Things will not remain as they are. The question is as urgent in point of time as important in character. The various colonies of this country felt themselves aggrieved by the course pursued by the mother country with respect to the adoption of free-trade measures, and they claimed as some compensation for the injury they had sustained, the removal of the burdens imposed upon them by the existing navigation laws. Those changes of policy which had been recently adopted by the country, would, he felt confident, ultimately lead to the benefit of the empire generally, notwithstanding the contrary opinions which had been formed by many persons on the subject. It was very well for the ardent admirers of protection to say that the movement which had taken place against free trade was one in the right direction; but whatever might be their opinion as to the success of that movement, he believed it would be utterly impossible for them ever to obtain protection again. Then there were treaties with foreign countries on the point of expiring, and powers in their hands for effectually changing the present state of the laws by retaliation. Nor can our Foreign Minister, whoever he may be, have a word to say against such retaliation, or in favour of a renewal of such treaties. Treaties will not be renewed without concessions from this country. The example of this country in favour of an exclusive system may not unnaturally be followed by other countries in imitation of this the greatest commercial country, and a system of restriction may be more advantageous in fact to them than to this country. A combination of other countries, might be formed against this one; and, being at last forced to throw open the colonial trade, this country would meanwhile have lost its foreign trade. Then as to the comparative superiority and expense of English and foreign ships and crews. An Englishman is slow to believe that from drunkenness and want of discipline the British merchant crews are generally inferior to foreign; but it must be admitted, that in the inferior classes of our merchant ships, this, in some cases, is but too true; but it cannot arise from the unfitness and inaptitude of Englishmen for the service, either as commanders of ships or seamen, for they are eminently and peculiarly qualified for it. This inferiority is chiefly owing to the want of care in educating and selecting masters; and, above all, to the baneful effects of these remains of monopoly. There can be no reason why an English master should not be as well educated as a foreign one, and by better accommodation on board, and a judicious system of payment by per centage, no

reason why he should not take as great a care of, and interest in, the goods committed to him as his foreign rival. As regards comparative expense, the price of timber is somewhat higher in this country; but in iron, sails, cordage, copper, the English shipbuilder has advantages over almost every other country, and especially as regards the United States, which is likely to be the most formidable rival of this country in the carrying trade. But if there are some to whom it is impossible to demonstrate satisfactorily these details, there is this irresistible argument, that we do compete with foreigners in the foreign trade, and in that comparatively unprotected trade our shipping and commerce are increasing faster than in the protected trade. If the foreign unprotected trade were not profitable, all our ships would be naturally driven into the protected trade. But it is said, foreign shipping has increased still more than British: if so, where is the use of the navigation laws for the purpose of protection. But the increased population, and demands of other countries, sufficiently account for this. But if our unprotected trade with foreign countries separately has increased, *à fortiori*, is there reason to hope it will do so to an enormous extent when intercommunication between all parts of the globe are open to it? The greater the amount of the carrying trade, the lower will the freights be: and ships will rarely make a voyage in ballast, or have to wait in port for cargoes; and from the immense connexion (as it would be termed in trade) between this country and every part of the world, our ships would have great advantages if that system prevailed. But shipowners and shipbuilders must not forget that every step which has of late years been taken in the question of free trade, has been a boon to the shipping interest; every relaxation of duties has increased importations, and the demand for ships. He (Lord Bruce) considered it clear, that as regards the colonial trade, the navigation laws could not continue long—that as regards foreign trade they afford no protection, while to our ships and crews the repeal of them would be a benefit and not an injury—and, above all, that it is not solely to carry out a free-trade theory, though he considered it essentially part of the free-trade system, notwithstanding what other noble Lords said. But things could not be left as they were: answers must be given to the prayers of the colonies and foreign States; replies must be made as to the renewal of treaties. He beseeched their Lordships, therefore, at once to pass this measure, which, if delayed, would come shortly again before them under, perhaps, much more disadvantageous circumstances. They need not fear, by a repeal of these laws, to injure the British commercial navy in time of peace, or the prospects of the Royal Navy in time of war. The armour of protection might have been suitable in times past, but was only an impediment now; the British sailor required nothing but a fair field and no favour to contend, whether in peace or war, with the sailors of every nation on the globe.

EARL TALBOT said, he would request the attention of their Lordships while he briefly gave expressions to his opinions on the subject under discussion. He had given way to the noble Lord who bore the illustrious name of Nelson, and had permitted him to take precedence of him, and he was glad he had done so. He was rejoiced to hear him advocate the necessity of attending to the defences of that country which his illustrative relative was so conspicuous in guarding. It was impossible to over-rate the importance of this question; and the first thing that occurred to him in looking to it was, to inquire where was the necessity for meddling with the subject at all. He found in the petitions that had been presented to their Lordships against this Bill, an adequate answer to all the arguments that had been urged in support of it. Those petitions had been prepared in as constitutional a manner as any petitions that, within his recollection, had been presented to Parliament. They were not manufactured petitions; they were not petitions placed at the corners of streets, and signed by boys or women, or signed by some persons five or six times over. They were petitions emanating from merchants and corporate bodies, and from men who understood their business, and who came respectfully to their Lordships' House to implore them not to pass this measure, which they thought would be fraught with danger to the public interests. It had been said by noble Lords at the other side that this measure was intimately connected with the subject of free trade. It might be considered in two branches: it might be considered as connected with free trade, or it might be considered as totally apart from free trade. If they were to consider it as connected with free trade, it would naturally occur to

a reasonable mind to inquire how far that experiment of free trade had succeeded. In consequence of the disturbances in Europe, and in consequence, also, of that distress which they must all lament, it might be argued, and argued he thought fairly, on both sides of the question, that free trade had not had a fair trial. But they were led to expect that it would be a panacea for all the evils that might occur. They might say, therefore, at all events, that free trade had not stopped the difficulties that had arisen. He was not then going to say that free trade was a failure. His argument was, that free trade had not yet had a sufficient trial to enable them to found other measures on the same principle, and he therefore entertained a strong conviction that this measure ought not to be passed into a law. The question had been divided into three branches, and was to be considered in an historical, commercial, and national point of view. Without referring at length to the public history of those laws, it would suffice to say that they had existed for about 200 years, and that there was a code before them which had existed for 200 years, and during that period their maritime trade had arrived at that admitted supremacy which it now enjoys. To meddle with so venerable a system appeared to him extremely hazardous, and especially in the face of such evidence as that which had been brought forward on the present occasion. With the commercial part of the subject he felt himself very incompetent to deal; but he had perused the greater part of the evidence submitted to both Houses of Parliament, and he would say that the great mass of the evidence was in favour of supporting the navigation laws as they are in all their essential points. If there was any point in the navigation laws requiring alteration, why not make that alteration the subject of treaty, and remove the parts that were considered objectionable? With respect to one of the points objected to, he had conversations with commercial men, and he knew they would find no difficulty in effecting, by treaty, such a modification of those laws as would meet a case of that description. The noble Lord who had opened the debate that evening had laid great stress on the number of seamen having increased so largely, and on that he founded an argument on the impolicy of those laws; but instead of doing that he should, in his (Earl Talbot's) opinion, have founded an argument the other way. Under those laws the number of their seamen had greatly increased, and men who could prove useful to their country in time of need had risen under them. He (Earl Talbot) would not detain their Lordships by going into a detail of the price of building ships. His noble Friend the Chief Commissioner of Woods and Forests had admitted that evening that the cost of shipbuilding must be greater in this country than it was abroad; but his noble Friend contended that British-built ships would be cheaper, in the long run, inasmuch as the ships built in this country would last for a greater number of years. But it should be recollected that the capital embarked in the shipbuilding trade would naturally be applied to the building of ships at the cheapest rate, and in the cheapest market, irrespective of all such considerations. Let them see what an advantage it would be to the owner to build the ship abroad. First of all, he would save the duty on the timber, and likewise have the benefit of other advantages. It might be said this Bill was passed to take off all restrictions on commerce; but if they were to go on the system of entire relaxation, they should not stop half way, or clog their Bill with any clause that would place the English shipowner in difficulty, or place a burden on him he was unable to bear. By the introduction of any clause such as that referring to the coasting trade, Her Majesty's Government showed that they wanted confidence in the measure they had introduced. Before introducing that measure, it was their bounden duty to consider the question, and to arrive at the conclusion that the coasting trade should not be thrown open in consequence of the difficulties in the way of doing so. They should have found that out before they ventured to produce the Bill to Parliament at all. Let it be recollected how this Bill had been introduced. The Bill was brought forward at the suggestion of a Friend of his (Earl Talbot) in another place, who, in a joking way, said, "We have got free trade; let us now have a go at the navigation laws." That expression, he supposed, had been taken up by Her Majesty's Government; and, because it was uttered, they deemed it necessary to introduce a Bill of the importance of that now before the House. He would remind their Lordships that a Committee of their Lordships' House was appointed to inquire into this subject; but without waiting for the results of the inquiry the Bill was introduced, and he could

not but say that that branch of the Legislature had been treated with marked disrespect. As regarded the question of reciprocity, see the way they had been met. He did not complain of reciprocity; but with their insular position, and with the immense empire they had to maintain, he did protest against their giving everything away without anything being given to them in return. They had a reciprocity system with America a long time before, but it was merely a nominal reciprocity. If they gave up something, they ought to get something in return; but they should not go forward in the headlong way they were going by this Bill, to attain that object. He was given to understand that a very salutary and very easily comprehended rule was adopted by Belgium. He ought, perhaps, to apologise to their Lordships for at all addressing them on this occasion; but holding, as he did, a commission in the Navy, he felt that he had some claim to address their Lordships on the subject of manning the Navy. The question, as it affected the Navy, was one of considerable importance; but after the eloquent speech which they had heard from the noble Earl (the Earl of Ellenborough) who closed the debate on the previous night, he felt that he (Earl Talbot) could not say any thing that would add to the impression which that noble Lord must have made upon their Lordships. When he recollected all the information which that noble Earl must have acquired while he governed their eastern empire—when he remembered, also, the knowledge he must have obtained while filling the office of First Lord of the Admiralty in this country—and when it would be found that the assertions made by him were supported by the evidence of all the naval officers examined before their Lordships' Committee, he felt assured that he was perfectly justified in agreeing in every sentiment that had fallen from the noble Earl. He conceived that the danger that might follow would be incalculable. It would be dangerous to diminish the number of their sailors, when it might be necessary to call suddenly upon them in time of war. A great alteration had taken place in the way of sailing ships, in consequence of the facilities that were given by the introduction of steam; and it was to be apprehended that by the facilities afforded for the transmission of coal by railway, the coasting and collier trade, so valuable a nursery for seamen, might be seriously affected; and also that the operations in time of war would be much more sudden than in former times. They would want to throw their strength upon particular points with rapidity, and it would be found that steam would have the effect, besides, of diminishing very much the practice of seamanship. The introduction of steam must, therefore, of necessity have a strong tendency to affect the well-known character of the British tar. Let them remember that if they made this alteration they could not retract except at the risk of quarrelling with their neighbours; and he hoped, with the concurrence of a majority of their Lordships, that he should have the satisfaction of taking a part in stopping a measure which might be productive of considerable injury to the best interests of this great maritime empire.

EARL WALDEGRAVE addressed their Lordships; but was quite inaudible.

The EARL of HARROWBY,* before he entered on the general subject before the House, begged their permission to advert to a charge made by a noble and learned Lord (Lord Brougham) last night against Mr. Cardwell, one of the Members for Liverpool, who, he stated, had made a strong declaration upon his election in favour of the navigation laws—who had by reason of that declaration received the support of the shipowners and others of that port—and whose conduct the noble and learned Lord alleged had been inconsistent with those professions. Now, having a great respect for that Gentleman—although he had the misfortune to differ with him on this occasion—he was anxious that their Lordships should be put in possession of the facts, and for this purpose would refer to an authentic statement of them which he held in his hand. From this it appeared that a Committee of the Liverpool Conservative Association, deputed to select candidates at the last election, agreed to recommend Mr. Cardwell's name, with that of Sir Digby Mackworth, and reported accordingly to a general meeting of the Association, on the 24th of June, 1847. By that meeting the following resolution was adopted:—

"That this meeting do now adjourn until Monday, at half-past two, and in the meantime the Chairman be requested to correspond with Mr. Cardwell, M.P., and Sir Digby Mackworth, and to ascertain whether those gentlemen will give an assurance to oppose all endowment of the

* From a Report published by Ridgway.

Roman Catholic clergy, and the abrogation of the Navigation Laws, should those measures be brought forward in the Legislature."

This resolution was communicated to Mr. Cardwell, and the following was his answer, so far as respects the navigation laws:—

"I do not anticipate any proposal either for the endowment of the priests or for the repeal of the navigation laws. With respect to the navigation laws, I consider their object to have been the regulation of our trade and shipping with an especial reference to our maritime supremacy. A Committee has been sitting from the commencement of the Session to inquire into their operation and effect. When they have closed their labours I shall feel it my duty to consider the evidence, and shall not consent to any modifications of the law which may appear to me calculated to interfere with the prosperity of the shipping and commercial interests, and the maintenance of our maritime power. I request you will convey to the adjourned meeting my assurance that these are my genuine sentiments, stated without any reserve, and without any intention or expectation that I shall change them. Permit me to add, respectfully, but firmly, that I decline to enter into any engagement, expressed or implied, which may fetter my free action in Parliament, or render it incompatible with my personal honour to pursue, from time to time, the course suggested to me by my sense of public duty."

The consequence of this language was, that he was rejected by the Conservative Association, and did not receive their support. On a subsequent occasion, when addressing a meeting held in the Exchange Ward, on the 26th of July, 1847, Mr. Cardwell closed his observations as regarded the navigation laws, with words to this effect:—

"Well then, I say, Gentlemen, I will consent to no change unless, upon future careful inquiry, and full consultation with all parties interested, I am satisfied that it would be conducive to the general good. And I state plainly, also, that, being so satisfied that a change would be so conducive, no power on earth should ever induce me to oppose it."

These statements would, he hoped, acquit his hon. Friend, Mr. Cardwell, of the charge brought against him by the noble and learned Lord.

He would now beg to say a few words respecting the Bill before their Lordships. Before he had the honour of a seat in that House, he had been called upon in the other House to give a vote upon the appointment of a Committee of Inquiry into the Navigation Laws, and he had not refused to go into the inquiry, being not only not so bigoted to those laws as to refuse all investigation into their effects, but on the contrary, thinking it highly desirable from time to time to consider what changes in those laws the lapse of time and changing circumstances both in our own trade and that of foreign countries might make it proper to effect. It was necessary that from time to time such adjustments should be made between the occasionally conflicting interests of trade and navigation. Such adjustments had been made by the Legislature at different times; but the one great principle of protection to our mercantile marine, as an object of paramount importance, had never been lost sight of, nay, had been kept most studiously in view by every statesman who had dealt with them down to the present time.

It had been made a subject of much discussion in this debate, whether this were a question of free trade or not. Now for his own part he (Lord Harrowby) cared not whether it were or no. He never could consider that the questions of free trade and protection were, like those of right and wrong, two great antagonistic principles, which admitted of no variation in their application. They were, in his mind, questions, in which the reasons for applying the one principle or the other predominated, according to the nature of the interests at issue, and the occasion of their application. But in this case, by the admission of all parties, in this House at least, as it had been by all previous statesmen and all previous legislatures, there was at least something which took the question out of the category of simple free trade, and compelled the consideration of it on a different basis. The noble Marquess himself, and all who followed on his side, had fully admitted that the mercantile marine of this country was the basis of her naval strength, and if of her naval strength, of her very existence, and had declared in the strongest and most emphatic language, that if they could be convinced that the measure before the House had any tendency to impair that marine, to injure that mercantile marine, no consideration of simple commercial advantage could ever induce them to seek it at such a cost —concurring in this with every preceding statesman and authority on this subject, that whenever the interests of commerce and navigation were really at variance, those of navigation must predominate, as essential to the defence and security of the empire. All parties thus practically concurred in taking this question out of the category of simple free trade; and the question must ultimately, in the minds of all,

concentrate on this one point, can the mercantile marine of Great Britain compete, unprotected, with the marine of other countries? and if not, what is the amount of protection requisite to enable it to do so? For he fully admitted that it was our duty not to continue a single restriction, not to impose a single obstacle in the way of the greatest liberty to commerce, which was not absolutely essential to that object. Now, a great deal of powder had been burnt upon this subject, which had rather tended to obscure, than to throw a steady light upon it. Calculations and counter-calculations had been produced with the view of showing, *à priori*, that the British shipowner could or could not compete with the foreigner—calculations as to the expense of building, the expense of navigation; and he would admit that such calculations were often a basis for legislation not very satisfactory, for somehow or other the result did not always appear ultimately to be that which such *à priori* calculations, apparently most indisputable, would lead a man to expect. Some elements, it would seem, were omitted, the omission of which was not to be detected at the time, which made the whole difference in the result. But the observation of facts, as to the past, if carefully and conscientiously made, that is, genuine, carefully considered and conscientious statistics, could not mislead; but then they must be conscientiously selected, they must be the real tests of the question at issue; and on this point he did think that their Lordships and the country had great reason to complain. It was painful to him to make reflections here or any where on the proceedings of a gentleman, Mr. Porter, the honour of whose acquaintance he enjoyed, and whom he hoped often to meet again; but the sense of a public duty to a great question would not permit him to be silent. Well then, he said, that a vast mass of figures had been produced by that gentleman as bearing upon the question at issue, and with the object of producing an effect upon this question, which had no real bearing upon it whatever.

Now, take first the celebrated schedule, which he had produced before the Committee of the House of Commons, of what were called the protected and unprotected trades, purporting to show the relative progress of British navigation under these two heads, and with the view, if any view it had, of showing that without protection British navigation throve and increased better than with its aid; and look solely to the figures so arranged, without analysing the particulars—look only to the gross results, and the conclusion would appear to be inevitable. It would be found, that on the gross figures so arranged, an increase of shipping on the protected side would appear of only 94 per cent, while that on the unprotected side would appear to have been 182 per cent. But how were these results produced? Why, by including the repeated voyages of steamers, in one set of cases, and in another the navigation with countries, in the trade with which, as they had no ships, or but very few of their own, and the ships of no third party were admitted, we had, though not by law, yet by the facts, an effective protection, and even monopoly. Now was this fair? What was the point at issue? The power of competing in sailing vessels, of maintaining a great mercantile marine to sustain and feed our Navy. Was this shown by the command which our superiority in machinery gave us over the communication by short and weekly-repeated voyages between France and Belgium, and Holland and Hamburgh? If it was not good for this purpose, for what purpose was it advanced? But whatever the purpose might have been, the effect could only mislead, and did mislead, those who argued on this question, and did not look closely into the details. It was misleading up to this moment even those who were debating the question at this hour in their Lordships' House; for the results of such tables as these had been quoted already in this debate, and would, he had little doubt, in spite of demonstration, be referred to again as conclusive evidence. But what did this table of Mr. Porter's, when analysed, really establish? That we could compete with China, which had no marine that crossed the seas—with Sumatra and Java—with Mexico, and the States of South America, which had no marine—with Turkey and Egypt—with Tripoli, Barbary, and Morocco—with Spain and with Portugal—countries, certainly, which we had never considered as formidable competitors in such a race, all disqualified by one circumstance or another, political or geographical, for such a struggle—that we could effectively compete with Russia, locked upon one side by six months' frost, with little sea-coast, and under institutions of serfage, which utterly incapacitated her, if no other obstacle existed, for ever possessing a numerous or energetic seafaring

population. Well, these were not very satisfactory tests; these were not the *experimenta crucis*, as the philosophers call them, which, by eliminating all disturbing influences, enable a man to arrive at any real result, any real solution of the question. What countries then remained? France, the Netherlands, and Germany. And what were the figures there:—

	1824. Tons.	1846. Tons.
France . . .	82,650	556,821
United Netherlands	68,285	382,975
Germany . . .	67,345	206,201
	218,280	1,145,997

What a magnificent increase of British tonnage! Could anything be more satisfactory, more conclusive, as to the elements of maritime predominance, which such a statement showed. But analyse it—and what was the result? In the first place you must set beside it, the cotemporary increase in the shipping of these same countries:—

	1824.	1846.
France . . .	52,648	262,938
United Netherlands	107,729	230,721
Germany . . .	46,106	122,485
	206,483	616,144

And it will be found that the shipping of these countries made no very contemptible strides within the same period; and, in the next place, the vast proportion, as he (Lord Harrowby) had said before, of the tonnage which so swelled the account in the columns of British shipping, represented only the repeated voyages of steamers across the Channel, or to Hamburgh, and in no way bore upon the real question at issue — the predominance of British navigation. It had no more to do with the question at issue, than if, the inquiry being whether stage coaches could compete with railroads, a table were produced, including stage coaches and cabs under a common head, and swelling the account by the number of clearances inwards and outwards, of the latter vehicles, between Euston-square and Palace-yard.

We had now disposed of the whole schedule save Prussia, Denmark, Norway, and Sweden, and the United States of America; and here, indeed, and here only, there was a real competition—here only a fair test of the result. Here there were sailors against sailors, ships against ships, a real and effective struggle, and what was the result? Let the Baltic shipping first be taken by itself.

	1824.	1846.
British ships trading with Prussia	94,564	63,425
Denmark	6,738	9,531
Norway	11,419	3,313
Sweden	17,074	12,625
	129,795	88,894

In two-and-twenty years of increase of population, and wealth, and intercourse, a decline in British navigation of not much less than 40 per cent. But let their Lordships look at the other side, which Mr. Porter was in no hurry to place before them, the progress of the shipping of the same foreign countries, in the same intercourse during the same period.

	1824.	1846.
Prussia	151,621	270,801
Denmark	23,689	105,973
Norway	135,272	113,738
Sweden	40,092	80,649
	350,674	571,161

The result, therefore, in this really unprotected intercourse, when there was an effective competition, and neither party had any real advantage—in fact, in the only case in which the real test so far had been applied—was, that British shipping had declined, between 1824 and 1846, from 129,795 tons to 88,894 tons—a decrease of not far from 40 per cent; while the foreign shipping engaged in the same intercourse within the same periods, had increased from 350,674 tons, to 571,161 tons—an increase of about 63 per cent. Was this encouragement to believe, that unprotected British navigation could compete with all foreign navigation? And yet, so far, this was the only case in which the experiment had been fairly tried. Now, in dwelling on this part of the case, he did not mean to attack the reciprocity treaties of Mr. Huskisson, under the operation of which this experiment had been going on. He looked upon them, as Mr. Huskisson himself had always stated them, as a concession to avoid greater evils, not as an absolute good in themselves. But for this point the result was conclusive. British navigation fared but ill in the direct trade with the Baltic Powers, save with Russia, who was disqualified by peculiar causes of her own. What reason was there to expect that British navigation would fare better in the carrying and the colonial trades, which it was now proposed to throw open to the same Powers?

But how was it with the United States? Let their Lordships refer to the same table of Mr. Porter's, and they would see

an increase in British shipping from 44,994 tons, to 205,123 tons—a very respectable and encouraging increase on the face of it; but, in the first place, let them look at that which Mr. Porter had not shown, the cotemporary condition of American shipping, and they would find an increase from 153,475 tons, to 435,399 tons; on the face of it, no great encouragement to throw open to such competition trades from which such competitors are now excluded. But let them examine further, and ascertain what was the nature of the British shipping, which was able to keep its ground at all in the struggle with American shipping. The figures could not be procured, but the fact was undoubted. The only ships, except steamers, which could live in that competition were the cheap and inferior ships, built in our North American colonies, enjoying the same advantages for construction which the Americans themselves enjoyed, and which, being principally employed in the timber trade with the mother country during the summer, were enabled to carry the comparatively light article of cotton at a low rate of freight during the winter season. The whole valuable carriage between this country and the United States, it was notorious—nine-tenths in value was the calculation—was in ships of the United States; and he was afraid that no change in the American navigation laws, consequent upon the Bill before them, would suffice to remove the disadvantages under which British navigation in intercourse with the United States was, undoubtedly, at present labouring. The orders for goods came from America, and were directed, as well by American feeling and connexions as by navigation laws, into American ships.

He hoped he had now satisfied their Lordships, not only that Mr. Porter's statistics had not established the case in favour of the safety of exposing British shipping to unaided competition, but directly the reverse. But, if any doubt yet remained, he (Lord Harrowby) would appeal to Mr. Porter himself for proof, in his evidence before the Committee of their Lordships' House, as to the valuelessness of the tables which he had presented, for the purpose to which they had been applied, in fact to the question now before their Lordships. He then admitted that the classification of protected and unprotected trades was in itself incorrect, and that many of these, which were unprotected by law or treaty, were in fact protected by other circumstances. On the subject of the repeated voyages of steamers, which swell the apparent increase of British shipping in the trades with France, Holland, Belgium, and Germany, when the question was put to him in Committee, "Therefore this shows the increase of trade, not of shipping?" he was compelled to answer, "Clearly."

"And with regard to the steam tonnage, there are many repeated voyages taken into account, which go to show the increase of the trade, but not of the shipping?"—"Exactly,"

was his reply. When he was further asked—

"But admitting that steam vessels form a very large element, that they are, in fact, a paramount element of increase in the trade, do you not think that the mere passages of steamboats backwards and forwards between adjacent countries in voyages of twenty-four hours, does not bear very strongly one way or the other, the question being the formation of seamen, and the navigation of ships generally?"

His answer is—

"I certainly have not been accustomed to look at things in that point of view—I have looked at them with reference to the trade of the country."

Now, it was very right that an officer of the Board of Trade should look at the trade of the country; but when the question was one of shipping, and not of trade, it was not right of him to bring forward statements so arranged as to wear the appearance of bearing upon navigation when he knew they had in reality no such bearing—so arranged as to mislead, as practically they had misled, and were still misleading, parties both in this House and out of this House, and which had gone far to produce an impression, and an incorrect one, on the public mind. Knowing the value and the bearing of his own statistics, he should rather have warned parties into whose hands they might fall, of the abuse that might be made of them, than have permitted them to produce an effect not the true one.

But he (Lord Harrowby) had not done with these statistics. Mr. Porter had made a further statement, by which it appeared that the tonnage between Great Britain and the United States had increased between the years 1821 and 1844 from 52,000 tons, to 776,000 tons. Now, this statement had rather astonished those who were engaged in the American trade, and who were aware of the difficulty with which the ships of Great Britain main-

tained themselves at all in competition with the Americans; and accordingly they looked into the American returns, to verify the facts, and satisfied themselves that the numbers stated by Mr. Porter were a complete mistake, including, as they did, not only the sea-going vessels entering the ports of the United States from Great Britain, to the amount of about 240,000 tons, and 33,000 tons of the British West Indies, but also 515,879 tons of the British colonies in North America, consisting to a very great extent of vessels trafficking on the great American lakes, whether by steam or sail, and therefore having no bearing whatever upon the question in debate. Evidence on this point was adduced before their Lordships' Committee last year—but in vain. Mr. Porter persevered in his statement, and in a correspondence with Mr. Cardwell, which he (Lord Harrowby) had seen in the public journals, reaffirmed, only so late as March 15th of this year, his former statement, adding to it in distinct terms, that "the whole consisted of vessels entering the seaports of those States;" and subjoining in a postscript, "I do not pretend to infallibility, but in this case you may quite depend upon it that I am right." Could their Lordships believe that after this reconsideration of the facts, and this reaffirmation of their accuracy, he was obliged, on the 29th of March, to confess, that on looking into the American accounts, he found that out of the 811,000 tons, which he had thus positively given to British sea-going tonnage for the year 1846, 300,000 were, in fact, lake tonnage—only 512,000 Atlantic tonnage; and that it ultimately appeared that even these figures had to be transposed, and about 300,000 alone remained the amount of the whole veritable Atlantic British tonnage trading with the United States, including that from the British West Indies, instead of the 811,000 which had been so obstinately persisted in, in spite of evidence, by the statistical office of the Board of Trade? Then what should he (Lord Harrowby) say of conduct like this? He would not call it dishonesty, because he did not believe it to be so; but he did call it a species of fanaticism, which blinded the intellectual vision, and of which instances appeared from time to time, confusing and staggering the apprehension of all ordinary men. At any rate, with such instances before them, their Lordships would be careful how they accepted statistics from that quarter. It was such instances as these which justified the suspicion into which statistics had fallen, and discredited the whole science.

He would take another instance to show with what caution tables of this kind ought to be received—how closely they should be scrutinised before their value was admitted. The noble Marquess (the Marquess of Lansdowne) and the noble Earl (the Earl of Carlisle) had told their Lordships of the risk of retaliation from other countries, with whom Great Britain now enjoyed the privilege of a carrying trade, if she did not admit them to the same advantage; and they told their Lordships that 240,000 tons of shipping engaged in such voyages between third ports, and he did not know how many seamen navigating them, were at stake.

Now, he (Lord Harrowby) did not mean to make light of that possibility, and thought it very advisable to consider it, case by case, looking in each instance to the likelihood of such threats being carried out, or not, according to the evident interest of each party, and looking to the amount of navigation in each case at stake. But he (Lord Harrowby) could not but think that the figures in this case, as in the others which he had gone into, were no real representation of the facts, that is, of the real extent of the navigation. There were no returns by which the whole of that neutral navigation could be analysed; but in page 475 of the report of their Lordships' Committee, a table appeared which threw considerable light upon the subject, and which would lead their Lordships to believe that the tonnage really at issue in this carrying trade was but small. Out of the 240,000 tons, or thereabouts, this table gave the particulars of about 150,000 tons; and when 42,000 tons were found engaged in a voyage from Turkey to Odessa, 32,000 from Turkey to Taganrog, equally in the Black Sea, 3,616 between Spanish ports and Cadiz; 2,960 between French ports and Antwerp, &c. &c., and other voyages of like dimensions, occupying in most cases not a week in the passage, it was impossible to consider, that their importance had not been greatly exaggerated, and that in fact, if reduced to voyages of a year's duration, the whole amount would be but very trifling. It was clear that they were but fragments of other voyages, useful in their way, in completing the links of a chain of traffic, but not furnishing support to any thing like, not one-tenth at most, the amount of

tonnage which the mere statement of the figures would presume.

He had thus stated with as much brevity as he could the reasons which induced him not only to believe that there were no adequate grounds for thinking that it was safe to take this great leap in the dark, but, on the contrary, to entertain a strong conviction, that as far as evidence from similar cases was to be had, there was great reason to fear the most disastrous consequences from such a step. He knew there were inconveniences, he knew there were evils, which deserved consideration and required a remedy. But he was confident that there was nothing which it was not better to treat separately and on its own merits, adjusting the concession and the remedy to the specific case, and not abandoning at once and in the gross the whole system of laws on which at least all preceding statesmen had rested their confidence for our maritime security.

But even if the work were to be done, if their Lordships were prepared to abandon these ancient bulwarks of British power, surely the manner of proceeding proposed by Her Majesty's Government was the most unwise, the most inconvenient, the rashest that could have been suggested.

As far as he understood the Bill, its effect was this, that from and after the 1st of January, 1850, that is to say, in six months or little more, the whole navigation of the country and its colonies was to be open without reserve to every other country, whether those countries had or had not made even a step in advance in the way of reciprocal advantages; that therefore the result must be this, that within the next six months or little more, every country on the face of the globe, with which we had commercial dealings, whether republic or monarchy, federation or despotism, must have altered the whole system by which their navigation and trade were governed, so as to give us not only a nominal, but a real and effective equivalent for all that we gave to them, or that British shipping would be exposed at once and without preparation, not only to unassisted, unprotected, competition, but to competition under every possible disadvantage, giving the carrying trade, giving freight both ways, to countries which shall have given you no carrying trade, no reciprocal trade in return; and the only remedy for this state of things held out, was the impossible one of retaliation, withdrawing from foreign countries privileges which they would already have been enjoying without equivalent concession on their parts. Such a scheme was impossible to carry out. A Government which had so loudly denounced a system of commercial hostility and reprisal could never engage in such a course; and the result would be, that these advantages would be given to foreign shipping, without return—and under the guise of equality, the most crushing inequality would be created. To expect that within the year an effective reciprocity could be secured, was really absurd. Why, we had been negotiating for it for years already, without success, as in Prussia, in France, and with the eastern possessions of Holland, where when we enjoyed reciprocity in name, it was denied us in effect—by a salt monopoly in Prussia—by Government contracts for coals in France—by the arrangements of a monopolising company in Holland. We had already little encouragement in the answers which had been returned by different Governments to our inquiries, as to their willingness to reciprocate. In some we were met with a sneer, in others with an ambiguous answer. Belgium was afraid of us; Holland called her colonial, a coasting trade, just as the United States gave the same title to her trade with California, and on that plea withheld it. It was proposed to admit ships built in the United States, but they already told you that they would not admit those which were built in British colonies. Was this picture encouraging? Did it hold out the smallest hope, that, having given everything, you would not find yourself in the condition of being compelled to acquiesce in the sacrifice of your shipping without equivalent, or to enter on that commercial warfare, to avoid which you pretended to recommend this precipitate, this wholesale, abandonment of your own advantages?

The only point on which he (Lord Harrowby) felt any real difficulty in meeting the proposal of the Government with a direct negative, was the condition of our colonies. We could not but feel, that our colonies, having lost all colonial favour, might well and naturally expect to be liberated from all colonial restriction But in fact and in truth the difficulty was confined to Canada. The West Indian colonies, in the just and most natural exasperation at the destruction of their prosperity, the disappointment of their best-grounded expectations, grasped in the first instance at the idea of deriving some ad-

vantage from the abolition of the navigation laws, and thus securing a cheaper freight for their productions. But a little reflection showed them, that any hope of advantage from this source was fallacious; that whatever advantage they might gain from a cheaper freight, would be shared by their powerful rivals, Cuba and Brazil, and that thus they themselves would appear in the British markets under no greater advantage than before. One by one, they, therefore, have withdrawn their plea for this imagined boon. It was only on coming into the House this day that he had put into his hand the expression of opinion on the part of a public meeting of planters in Guiana, in which they distinctly state, "that the repeal of the navigation laws would be anything but a boon," and reject it with scorn. To Trinidad and other colonies many of the advantages desired might be granted by Order in Council under the existing law. In Canada, and Canada alone, was there any real difficulty. He could not but be sensible of the importance of conciliating a colony so important, so nearly independent in its action, and in such vicinity to the United States; more especially when rankling under the disappointment of advantages to their principal productions, which seemed to have been guaranteed to them by recent legislation. But even here, also, much might be done without touching the navigation laws. The noble Lord himself, the Secretary for the Colonies, in his despatch of the 31st July, 1847, tells Lord Elgin—

"With regard to that part of the memorial which relates especially to the navigation of the St. Lawrence by foreign vessels, I have to state, that although this question is also connected with the general laws of navigation, it may, perhaps, be possible to deal with it separately, and to comply wholly or partially with the application of the memorialists, even though it should be decided to leave the rest of the navigation law untouched."

He knew that this was not everything that the Canadians expect; but even the remainder might be better left to be made subject of separate negotiation with the Americans, than to be given up at once as part of a general concession. The Canadians themselves suffered from a heavy duty—8*s*. per quarter—imposed upon their corn when imported into the United States; and they told you themselves, that they only looked to being able to break through the opposition to the removal of this protection to American produce, which was raised by the protectionists of that country, by means and with the help of negotiations, which should make a relaxation of this prohibition a condition of concessions to be made to American navigation.

Under such circumstances, there being every reason for not breaking down precipitately a whole system on account of some local or exceptional difficulty, and in the most difficult and important case of all that difficulty being practically best fitted to be dealt with on its own merits and as a separate question, there could be no excuse for thus proceeding. He himself, at least, could see no reason for hesitating to give a decided negative to a proposition, based on no real necessity—involving the greatest hazards to the most essential interests of the empire—unsupported by authority or by experience—founded, if on anything, on the most fallacious information; and from which, when once carried out, and when we were under engagements with foreign nations, there was no possibility of reconsideration or retreat.

Lord BROUGHAM said, his purpose, in alluding to the Liverpool election, was not to attack Mr. Cardwell; it was merely to show that the feeling of Liverpool was against the Bill, although its Members were for it. The question had arisen from the fact that a much-loved friend of his (Sir J. Graham) in the other House, had said, that, as the Members were for it, the town could not be against it. In order to refute that statement it had been necessary to refer to the Members for Liverpool. He had said that Sir Thomas Birch had been the secretary of his late friend, Lord Melbourne, but that Mr. Cardwell could not be actuated by any influences of that character; and yet he had altered his opinions on the subject of the navigation laws in a very remarkable manner, although he had pledged himself on the hustings to support them. It was only with that view that he (Lord Brougham) had mentioned the matter, and not with the slightest intention of attacking that very respectable person, Mr. Cardwell. His defence for having said this would be taken from the mouth of the Mayor of Liverpool, who had seconded the nomination of Mr. Cardwell, and had been one of his leading canvassers. The Mayor of Liverpool, Mr. J. Bramley Moore, being called upon in the town-council, all the members of which were upon one side on this question, to account for having proposed a gentleman opposed to the navigation laws—

Earl GREY: Does the noble Lord intend this as an explanation?

Lord BROUGHAM: Certainly. His Parliamentary experience was four times as long as that of the noble Earl, and the result of that experience was, that when questions arose respecting Gentlemen who inaccurately or wrongfully made charges against others, they were always allowed a larger privilege of explanation. The Mayor of Liverpool said—

"I beg to call the attention of the council to the fact that I followed Mr. Cardwell through the whole of his canvass, and during the whole of that time I was under the impression that he was opposed to the repeal of the principle of the navigation laws."

At the nomination Mr. Cardwell said—

"A prejudice has been attempted to be excited against me, upon the supposition that I meditate some change in the navigation laws prejudicial to your interest. I have given to that statement—in every place and on every occasion—the most emphatic negative; and I leave it to the good sense of Liverpool whether you will be blinded by a cry or guided by facts. I hope you will see that measures that increase the number of things to be carried, will increase the prosperity of those who have to carry them; and seeing me with the chairman of the Dock Committee on the one hand, and the chairman of the Shipowners' Association on the other, you will judge of me by the company I keep, and regard me as safe on the subject of the navigation laws."

It is good to leave well alone; it is also good to leave it alone for fear it should be made worse.

Lord WHARNCLIFFE said, there was at least one advantage in proceeding thus late in the debate to address their Lordships on the question, namely, that the points on which the discussion turned were now pretty well understood. He believed there was now no difference of opinion on the most essential point of the question, namely, that it was not to be regarded merely as depending on the principles of free trade, but also as being closely connected with the important consideration of the defences of the country; and it had been admitted that unless they who advocated the Bill could satisfy themselves that the proposed alteration of the navigation laws would not endanger our naval supremacy, they certainly would not be justified in supporting the measure. The attempt had, indeed, been made to show, by means of evidence given before their Lordships' Committee, that there was no necessary connexion between the prosperity of the mercantile marine and that of the Royal Navy; but one able and experienced officer was the only witness who supported that view, and in opposition to that officer's statement that his experience had led him to the belief that not more than one-fifth of the men in the Navy were derived from the mercantile marine, was to be set the testimony of the Registrar of Seamen, who showed that not less than one-half of the number was derived from the mercantile navy. He thought, then, there was no possibility of maintaining the argument, that the prosperity of the mercantile navy was a matter of indifference to our maritime supremacy. But it was impossible also to say that the question of the repeal of the navigation laws was not most intimately connected with free trade. It was instructive to look back to their history; for we should find the real fact was, that this country had been compelled to make changes in these laws in consequence of the other changes that had taken place, and by circumstances beyond our control. In 1663, what was the system established in this country? Why, our laws were so restrictive that the entire trade of our colonies, of which we had a considerable number, was confined to their own coasting trade, and the communication with the mother country? They had no power to obtain supplies from any neighbouring country. What was the consequence of that state of things? What might be expected, and what was, in fact, inevitable—that, instead of being able to enforce that absolute prohibition, there sprung up a trade between the colonies and the contiguous countries; and in spite of all the regulations that were made, an illicit trade was established a few years after the passing of the navigation laws, and which was carried on, in course of time, with the connivance of the Government. One hundred years later, in 1766, they were obliged by an Act of the Legislature to relax these provisions, not for the interests of the colonies, but by the force of circumstances, which compelled that alteration. What was the next step? Why, that the effect of our policy was to establish a new and independent country on the other side of the Atlantic, which compelled us to yet further and more important changes. And in these as well as in the more recent changes in 1818, 1820, and 1821, instead of this country adopting as its principle of action, and keeping in view, some great principle of legislation, by gradually relaxing these restrictions as circumstances required it, they had been driven by the actual necessity of the case,

and compelled by circumstances over which they had no control, gradually to undermine the navigation laws, until the effectual and complete prohibition which was formerly enforced was reduced to a mere fragment of what they had originally been. Then, as regarded the actual state of these laws, they were made up of a series of the most contradictory enactments, and presented an inextricable web of legislation, which was exceedingly difficult to unravel. It was worth while for any one, simply out of curiosity, to cast his eye over the various statutes that had been passed, as enumerated in a paper contained in the Appendix to the Report of the House of Commons' Committee. They involved such a series of complications and contradictions that it was almost impossible for any one who had not passed his whole life in legal or mercantile pursuits to ascertain the meaning and effect of the different Acts, and to know really what the law was. The Acts of Parliament bearing on these questions were altogether about 100 in number. But the real and essential question which their Lordships had to deal with was this—whether, in repealing what remained of the navigation laws, they were withdrawing from those who maintained the naval system of the country that support which was essential to enable them to keep up competition with other countries. That was the real question; and he must say that he felt, like others who had spoken upon the subject, that there was some difficulty in arriving at a just conclusion from the evidence that had been given upon that point. If they looked at the evidence they would find that it was of the most contradictory character. He found that Mr. George Frederick Young and others who were deeply engaged in shipping affairs, and had bestowed much study upon the navigation laws—he found those gentlemen broadly asserting, in the strongest language, that it would be impossible for the British shipowner to compete with the foreigner without protection. On the other hand, he found that there were persons of great weight, men actually engaged in the shipping trade and owners of ships, who stated that they had not the slightest doubt of the ability of the British shipowner to compete with the foreigner if protection were withdrawn, and who thought that the existing restrictions on navigation were wholly useless. What, then, was the conclusion to which he arrived? For his part, he was constrained to say, that he thought, in considering the legislation they ought to pursue on that subject, it was wholly useless to attempt to form an opinion as to such points from the evidence given before the Committee. His view was that it would be better policy to leave the evidence altogether out of consideration. He did not think it at all necessary, in order to arrive at a just conclusion, to attempt to dive into the details of such calculations, of which they had no real means of forming a just conclusion. But let them see what foreigners said on that subject. Their Lordships were aware that there had been laid upon the table of that House the communications that had been received by the Secretary of State for Foreign Affairs from the British Ministers and Consuls abroad, in answer to a circular of inquiries which had been sent to them, in order to ascertain certain points with reference to that question. In Belgium, which was peculiarly circumstanced, having large mineral resources, and in which a very low rate of wages prevailed, which should make them not afraid of entering into competition with any other country, what did he find there? Why, Lord Howard de Walden, writing to Lord Palmerston on the 28th of December, 1848, on the subject of the differential duties to which British goods and British vessels were subjected in Belgian ports, observed, that the Belgian Government was not prepared to abolish the differential duties, from the impression that prevailed that the Belgian vessels could not compete on equal terms with British vessels. Another remarkable instance was that of the United States—one of the most formidable competitors they had. Mr. Crampton, writing from thence, observed, that Mr. Buchanan, the Secretary of State, had said he feared they might have some difficulty with regard to the question in Congress, from the unwillingness to throw open the shipbuilding business to British shipbuilders; from which the conclusion was inevitable, that there was a reasonable doubt whether our ships would not be able to compete with theirs. Nor could this on consideration appear to be at all extraordinary; for the American shipbuilder had to pay more dearly than the British shipbuilder for almost every item except timber, and even timber itself was only attainable at a cheaper rate in some of the American ports. Another important fact with regard to the northern countries of Europe was this, that though

they had the power of building vessels much cheaper than us, the greater part of those built in Sweden and Norway were built expressly for the timber trade, and were unfit for anything else. After all, what was the value of the outcry that had been raised against the repeal of the navigation laws? This was not the first time that vaticinations of ruin to our manufactures and commerce had been made; on other questions, precisely the same assurances of the impossibility of our competing with foreign nations had been hazarded; and they had repeatedly received a complete falsification. Look to the history of the linen trade of Ireland. That trade had not only been protected, but had been encouraged by bounties; and nothing less than ruin to the trade was predicted when it was long since proposed to repeal those bounties. He believed, however, that since that time the flax-growing districts had been the most prosperous part of Ireland, and the linen manufacture since the change had increased to an enormous extent. It was almost within his own recollection when it was proposed to take off the prohibition upon the export of long wool, which was considered of the most essential importance to the manufactures of this country, and to export which, it was said, would throw the woollen trade entirely into the hands of foreigners. The result was what had been predicted by the promoters of the measure, that the trade had enormously increased. Who was there who did not recollect the outcry that was raised when Mr. Huskisson proposed the throwing open of the silk trade? It was said that, by admitting French silks, we should completely destroy our own manufacture, and that it was impossible for our manufacturers to compete successfully with those of France. And yet in 1823, before the change was effected, the whole amount of the raw silk imported for consumption was only 2,400,000 lbs.; and in the year 1847, the quantity was near 4,500,000 lbs. The declared value of silk manufactures exported in 1832 was 529,000*l.*; and in 1847, notwithstanding a great decrease in the real value of the articles, the total declared value had increased to 985,000*l.*, part of this being actually sent to France itself. Finding that such had been the result of all these gloomy predictions, their Lordships would be justified in disregarding them, if not in treating them as absolutely false. When they heard strong opinions expressed by the witnesses before the Committees, they were justified in looking at the character and occupation of those witnesses; and in some cases it would appear their evidence was not quite so conclusive as might be supposed. A Mr. Booker, a merchant of Liverpool, had been examined before their Lordships' Committee with respect to competition between this country and America; and he said, "I consider that the Americans, taking them as a people, are very superior to the English." Not content with this, he added that when emigrants from this country are transferred to the American soil, the stock is improved. He (Lord Wharncliffe) absolutely rejected this assertion; he believed no such thing. He was rather inclined to believe, with Mr. Dana, that the British seaman was the best seaman in the world; and so far from believing that the race was improved by being transplanted to the soil of America, he thought, on the contrary, that nothing more was necessary than for them to stay here to maintain their superiority. Then there was Mr. Aylwin, a merchant, who had resided for some years at Calcutta, and who took the bull by the horns, and stated that the removal of the navigation laws would not, in his opinion, be of the slightest benefit to the shipowners or merchants, as he did not consider them at present in any way an impediment or restriction. One gentleman who was examined was asked whether he would have any objection that all the goods shipped from England to America should go in American ships, and all the goods shipped from America to England should go in British ships, said he should have no objection to such an arrangement; and when he was asked whether he was prepared to carry this principle out generally with regard to all foreign commodities brought here in foreign ships, he confessed that he was driven up into a corner, but that he had stated honestly what he thought. Much had been said as to the reciprocity treaties, and their connexion with the navigation laws—the real fact being that those treaties had little reference to the navigation laws. Mr. Huskisson, in 1822, finding himself in a difficulty with foreign countries, thought proper to relax the navigation laws. He did so, but not by way of treaty. The reciprocity treaties were made afterwards, and their object was merely to relax the system of countervailing duties on goods and shipping. Yet these treaties are said to have ruined British navigation. He held in his hand the evidence of Mr. Young, who stated in the

strongest manner possible that wherever reciprocity treaties had been established, all protection under the navigation laws was absolutely worthless. Mr. Aylwin, speaking of the reciprocity treaties, referred to those treaties concluded with Prussia, Sweden, Denmark, the United States, and Prussia, and showed, as he thought, that the result had been a great decline in the navigation of this country. Supposing that were admitted, it was not at all clear that if Mr. Huskisson had not made those changes, there would not have been a greater decline. In 1823, just before the reciprocity treaty was concluded, the British tonnage to Prussia was 80,484 tons, while in 1817 it was no less than 104,709 tons. It was, therefore, unjust to attribute the falling-off to the reciprocity treaties. With respect to Denmark, the result was the same, on a smaller scale, and it was evident, that before those treaties were entered into, the decline had taken place. On the other hand, he would refer to the figures, showing the tonnage of the shipping of the united kingdom, in which there could be no error from repeated voyages or lake navigation. He would begin from 1827, after the conclusion of the most condemned of those treaties, and after the revision of the registry, and he found that in the year 1828, in spite of all the reciprocity treaties, in spite of all Mr. Huskisson's changes, the tonnage of the united kingdom amounted to 2,460,000 tons, while in 1846 it had increased to 3,817,000 tons. These were facts which showed the baselessness of all the melancholy predictions indulged in as to the effects of the proposed measure. There had been a constant and gradual increase in the navigation of this country, as the system had been gradually relaxed; and the fair presumption was, that if they relaxed the system still further, they would reap still further advantages from it. But it was asked, what reasons were there for altering the law? In the first place, they had received from several foreign Powers intimations that a larger share of reciprocal advantages would be required in future. Prussia, which at the time of Mr. Huskisson stood alone, was now at the head of a powerful commercial league; and a determination on the part of that Power to recommend the imposition of further restrictions on foreign shipping, would produce far more serious effects on the commerce of this country than it would have done at that period. Another reason for the change arose from the claims of our colonies; but there was, after all, this additional reason, that they were bound to remove all restrictions which were not essential to the maintenance of national prosperity. He felt considerable difficulty as to the 10th Clause, for he had rather have conferred on the Executive Government a power of relaxation than a power of retaliation, though he saw the difficulties of either course; and he supported the Bill in the expectation that the power here to be given would not be left a dead letter. He firmly believed that, although in many cases they might go a long way in dispensing with considerations of reciprocity in commercial changes, yet such a course would not be always as wise on questions of navigation, which stood on a totally different footing. They ought, in relaxing these laws, to be cautious not to lose sight of the paramount interests of the country at large. The whole essence of the maritime system was a system of reciprocal interchange. If they were to find, after a change of this description, without applying the power of retaliation, that foreign Powers persisted in placing the commerce of this country under permanent disadvantage, the advantage which would be derived from this change would be very much diminished. He trusted the Government would not lose sight of the declaration contained in the important despatch of the noble Lord at the head of Foreign Affairs, dated the 22nd December, and that in voting for this Bill they might take it for granted that the Government, who had recommended this measure to their Lordships and Parliament, would see, that in relaxing the navigation laws for the benefit of foreign shipping, they obtained such advantages as would place British shipping on a fair and reciprocal footing with them. He could not call upon their Lordships to affirm the principles involved in this stage of the measure, without remembering that it was one, in the peculiar operation of which the welfare and stability of British interests of the most extensive and important character were deeply involved. But believing, as he did, that they were justified in looking with confidence to the results of the proposed change, he should on that occasion give an unhesitating vote in favour of the second reading of the Bill.

The Marquess of LONDONDERRY was reluctant to interfere between the House and those noble Lords who would, doubtless, address it on the general character and the details of the measure to which their Lordships were now asked to give a

second reading. He felt, however, that independently of the impressions at which his own mind had arrived, he owed it to those vast and most important interests in the north of England from whom he had received deputations on this subject, as one that most deeply affected their prosperity, to enter his protest against this Bill. He knew all the impatience of noble Lords who expected, and would not be disappointed, he was sure, in their anticipation, to be gratified and instructed by noble and learned Peers whose opinions on a matter of this kind were naturally looked forward to with much anxiety; but regarding this Bill as one of the most dangerous experiments ever introduced into the House, he had risen to give it his strenuous opposition. How uncalled for it was by the wishes of those most directly interested in the objects which it was pretended that it would accomplish for their benefit, the House might infer from the fact of the thousand petitions —he believed he might say with from 400,000 to 500,000 signatures attached —that had been presented against it. It was an ill time for an experiment, as he must call it, which put in jeopardy the invaluable sources of our mercantile greatness, and the future existence of that naval nursery from whom we had long been accustomed to draw chiefly the gallant crews which manned our fighting ships—when so many countries of Europe were in that condition of political disquiet and turbulence, the result of which no one could venture to foretell—when Ireland was in her present fearful state of poverty and disturbance—when at home, even, there was so much to excite solicitude and alarm. The noble Marquess, who was very indistinctly heard, was understood to say, that during the hostilities which threatened to disturb the peace of the world, this country ought to attempt no measure which might have the effect of diminishing our mercantile navy, or lessening the number of seamen from which the naval service of the country would have to be drawn.

Earl GREY said, as the decision which their Lordships would be called upon to give that night was one which must deeply affect the commercial interests and the general welfare of this country, he would endeavour to lay before their Lordships—as briefly as possible, considering the late hour of the night—the grounds on which he thought their Lordships ought to be called upon to support this Bill. But while he admitted that the interests concerned in the decision which their Lordships would give were of the greatest importance, he must state, at the same time, that his confidence in the cause which he was about to support, had been greatly increased by the speeches made by noble Lords on the other side during the course of this important and protracted debate. For notwithstanding the great abilities which the opponents of the present measure had undoubtedly displayed, he had no doubt that those who had carefully listened to their speeches throughout, could not have failed to perceive that a great portion of what they had said had either been very irrelevant to the subject, or that what was not irrelevant had been singularly vague and wanting in clearness and distinctness. There had been a long disquisition on foreign Powers—there had been a panegyric on Marshal Radetsky, whose shortcomings of complete victory at Turin was attributable to the great exuberance in that commander of the milk of human kindness. Their Lordships had had a full and particular account of the motives which induced the French Government to send their expedition to Civita Vecchia—an account so full and particular that he was obliged to suppose the noble and learned Lord (Lord Brougham) must have been invited by the President of the Republic to take part in the deliberations of his Cabinet; and if the supposition were well founded, he must say the noble and learned Lord had made a very unhandsome return for the honour which had been done him, by thus disclosing to their Lordships secrets with which they otherwise would not have become acquainted. Their Lordships had had most powerful declamations upon the theme that a mere increase of wealth ought not to be the object of a nation's ambition. They had had from nearly every speaker on the other side dissertations full and copious upon the extreme importance of a commercial marine to the welfare and safety of this country. Upon this last point he had only to say, that he was not aware of any difference of opinion upon it. He believed that upon the one side and upon the other it was considered by noble Lords, that to maintain and improve the advantage of the commercial marine, ought to be one of the first objects of any Government. For himself, he could say, that, in supporting this Bill, while he believed that the general in-

terests of the whole country were concerned in its passing, he believed the one interest to which the greatest advantage would accrue—the one branch of our commercial industry — the one interest most concerned in the advantages to accrue from this Bill, was the commercial marine. The whole question, then, which their Lordships had before them was merely this—whether this measure would produce the effects which were anticipated by the friends, or feared by the opponents, of the Bill. Consequently, the whole of the declamation to which he had listened during the debate, on the other side, though it might be of great use for the purposes of oratorical display — though it might be of great advantage in interesting the House, and leading their Lordships, perhaps, to admire the skill and rhetorical art of the noble and learned Lords from whom it proceeded; yet, so far as these speeches were intended to advance the decisions of their Lordships, or to make any progress towards a definite opinion on this great question, all this declamation was but so much breath misspent — so much powder fired upon no enemy, and so much waste of time of their Lordships. The real question, and the only question before them, was, whether this measure which they were now called upon to pass was or was not calculated to promote the general interests of this country, and the more special interests of the commercial marine? That was a question on which the House had a right to expect from noble Lords opposite some explanation upon points which they had never once touched during the course of the debate. They had heard a great deal of most elaborate statements of figures, endeavouring to prove that it was simply impossible that our commercial marine should compete with foreigners. But in the midst of elaboration of figures it had continually struck him, and he was tempted to ask, did the noble Lords know what the real question was that was now before them? Had he considered what the navigation laws were, or what fragments, as his noble Friend near him (the Marquess of Lansdowne) had called them, of the navigation laws were still before them? Why had not the noble Lords opposed to the Bill pointed out in what respect these fragments of the navigation laws at present protected British shipping? Now, as the noble Lord had not pointed out in what respect the British shipowner would be affected as compared with the foreigner, suppose he (Earl Grey) were to admit that on the sea alone —which had hitherto been as the home of the Englishman—suppose he were to admit the Englishman on the sea alone was unable to compete with the foreigner —for in all the other branches of industry they had only to look round to be convinced that he was by far their superior—admitting that he were not able to compete on the sea with the foreigner, it was still necessary to show him how the navigation laws protected the British shipowner from this unequal competition. Taking these laws as they stood, the noble Lord ought to point out to him the particular benefit which was derived from these laws by the British shipowner. It was the more necessary to come to particulars, in order to grapple with noble Lords on this matter, because every noble Lord who had attended to this question must be aware that, instead of making the speeches which they had heard on this occasion in the House, the noble Lords opposite might have come down with a volume of *Hansard's Debates*, and have read one of those speeches made against Mr. Huskisson's reciprocity treaties. These speeches were as nearly as possible similar to those they had now listened to—treating generally of the importance of a commercial marine, the destruction that would befall it, and the ruinous consequences that must come upon the commerce and industry of the whole country from any relaxation of the law. He remembered that during the first Session that he had the honour of a seat in the other House of Parliament, which, he was sorry to say, was now a long time ago — in the year 1827—General Gascoigne, then Member for Liverpool, and his hon. Friend the Member for Northumberland, made speeches against those treaties, which, with the alteration of but a very few words, would pass muster very well among those made on the present occasion; and he heard those speeches so demolished, so utterly crushed by the close and argumentative reasoning of Mr. Huskisson, that he believed in the minds of most men the subject was settled for ever. The noble Earl (the Earl of Ellenborough) who concluded the debate last night, said, he, for one, entirely approved of the system of reciprocity treaties. But if the noble Earl approved of the principles of reciprocity, while his friends opposed this measure with the very arguments adduced in opposition to these principles, he ought to have felt himself concluded thereby to an ap-

proval of the measure now before the House. The difficulty which he felt, was to contend with antagonists who were so indistinct. If they had only told him how those laws were an advantage to the British shipowner, he would have known how to meet them; but as they had not been so definite in their opposition, he was sorry to say that he must trouble their Lordships at rather greater length than otherwise would have been necessary; he must seek instances in the provisions of these laws, and ask, in reference to each, where lay the advantage now possessed by the British shipowner? He must ask the noble Lords opposite where was the advantage to the British shipowner in being prohibited from importing into this country from any port in Europe a cargo which was the produce of Asia, or America, or of Africa? He was prohibited from bringing it into this country equally with the foreign shipowner. There was no competition here. It was indiscriminate prohibition. It was to him truly incomprehensible how the British shipowners could gain by a law which permitted him or an American shipowner to bring the produce of America from New Orleans, and forbade him to bring the same produce from the port of Havre. Again, what gain could it be to the British shipowner that he was prohibited from bringing the rosewood of Brazil from Havre, which yet a Dutch ship might carry into this country? Why, this was protection to the Dutch shipowner. Again, what gain was it to the British shipowner, that he was prohibited from bringing Batavian sugar from Holland, unless it were refined, when it might be introduced by a Dutch ship? He said they began by laying a prohibition as to the raw article, not upon foreign shipping, but upon our own shipping; it was not, therefore, a case of competition, but of restriction imposed upon British shipping, in favour of the shipping of every other country. Very much the same effect was produced by the prohibition imposed on certain enumerated articles, the produce of Africa or America, introduced into the ports of Europe, which were excluded from this kingdom, unless shipped by British vessels or vessels belonging to the country producing the article, or belonging to the port at which the cargo was reshipped. Now, he must own that since these laws were looked upon as so wise that to lay a finger upon them was to touch the palladium of our commercial prosperity, he wished the noble Lord had explained the principles of this arrangement—why it was that one article was admitted, and another was prohibited? There was a long list of articles which they admitted: there was tar, tallow, boards, figs, fruit and many others; yet they prohibited corn and grain, but admitted grain if converted in flour. It appeared thus that they had made an alteration in favour of foreign manufactured goods; yes, the relaxation was in favour of foreign manufactures. Now, if the principle was good, why not extend it to all? ["Hear!"] He wished to know on what grounds it was that this enumeration of admissible articles had been drawn up? The general rule established was, that most goods the produce of most countries were admissible in British ships, or in ships belonging to the countries of which the goods were the produce. He wished to know on what principle that proposition was founded. Did it secure the British shipowner from competition? They permitted, in regard to corn, one of the enumerated articles from Dantzic, the full competition of Prussian ships with British; and in goods of America the same relaxation was given in favour of American ships. By the present law, then, they were allowed to compete with the rival whom they had most reason to fear, because it was obvious that the shipper in his native country, with an establishment at command of his own, was of all others the most dangerous rival. It was clear that the Prussian was not so dangerous a rival in America as he was at Dantzic, and that the American was not so dangerous at Dantzic as he was at New York. Notwithstanding this, however, with a perverse ingenuity, the law allowed the American the privileges of full competition with the British shipowner at New York, his place of strength, which yet was denied to him at Dantzic, where he was on equal terms with the Englishman. And the like was the effect of the navigation laws in regard to the Prussian, or the shipowner of any other country with which we were trading. Passing over, in the mean time, the trade with the colonies, these were literally the principal provisions of the law under discussion, and those the main points of the Act which it was now proposed to Parliament to repeal. He said again, that those provisions might be right or they might be wrong; but at all events he totally denied that the British shipowner derived any benefit from their operation. Nay, the British shipowners themselves

said they received no benefit from them, because when the question of reciprocity treaties was under discussion, they said, if treaties on such a principle were recognised, they were ruined, and there was an end of British shipping. Five and twenty years ago that was the language held: they said differential duties were the only things that maintained British shipping; and that if these were taken off, and they were exposed to free competition in the case of every country with its own shipping, there would be an end to British shipping. Fortunately the affairs of this country were directed by men who knew the interests of the shipowners better than they themselves. If they had had their own way, they could not have prevented their being put on an equal footing with foreigners, because, whatever duties we put on, foreigners would have done the same; but they would have restrained commerce by compelling every country to send out its ships in ballast, and bring home its own cargoes in its own ships, having two ships to do the work of one; and how could that have been a benefit to the most commercial and richest nation in the world? These capricious restrictions upon our own shipping were in reality what constituted the navigation laws as regarded our foreign trade; and to say, therefore, that we should lose nothing by their repeal—to say there was no possible danger from the change — was greatly understating the cause as it stood. British shipping had the greatest interest in getting rid of these restrictions with the least possible delay. He would remind them of what was said last night by his noble Friend the Vice-President of the Board of Trade, who told them, and truly, of that system by which the British ports had become the centres of the commerce of the whole world, at which goods from every country and from every clime were stored up in our docks ready to be reshipped and taken to any country in the civilised world, wherever commerce had penetrated, and the necessities or the luxuries of society required them. A system which had grown into a matter of gigantic importance, so that a very large part of our trade and commerce was dependent upon it; and so struck were intelligent foreigners with this truth, that an able gentleman, sent by the Government of the United States to examine into the subject, reported to his Government, that in his opinion a great part of the commercial prosperity and wealth of this country arose from this warehousing system. This, then, he (Earl Grey) would say, that if foreign nations had applied to us those laws, which were disgraceful in themselves—which involved in them principles of a barbarous age—which he had almost said were disgrageful to us—if foreign nations had adopted them, and applied them to us nearly to the same extent as they had been adopted by us—the warehousing system must necessarily have been at an end. We refused freight from Hamburg, Rotterdam, or any other great port on the Continent, the produce of Asia and America. It was only to apply that rule to ourselves, and all our bonded warehouses would be emptied of the silks, and teas, and spices, and all kinds of goods now stored up in them to await the calls of commerce; they would be cleared at once of that great accumulation. The warehouses and docks would be left empty, and ruin would be entailed upon large classes and interests of the community. In the same manner we refused to allow foreign shipping to be engaged in the indirect trade; we would not, for example, permit Russian ships to bring American produce to this country. But were the same rule acted upon our own indirect trade, and we should be no longer able, as now, to carry sugar from Rio to another foreign port, and no longer able in fact to carry on a large trade of that kind. He wished to be allowed to advert, in passing, to what had fallen from his noble Friend the noble Earl who had spoken not long since, and who had so long represented Liverpool in the other House (the Earl of Harrowby). That noble Earl was understood, in what he said, to convey the opinions of a large number of those who had been formerly his constituents; he found great fault with the importance attached by his noble Friend the noble Marquess near him, to the indirect trade, the noble Earl observing that it was made up of mere fragments—vessels going from one port in Turkey, or any other country, to some other port in another country. But did he not perceive the advantage in these fragments? What gave the greatest advantage to shipping was, that which made a commercial enterprise—that it should be so contrived that there should be no waste of labour, that the ships should be always earning something. His belief was, that if these fragments of voyages were put an end to, our ships would not be able to compete with those of Russia. He would take the very case supposed by the noble Earl, of a

vessel going out to Odessa with a cargo in order to bring back corn. As it was, she took out a cargo, perhaps of coal, at a very low freight, it was true, and it was but a part of the course of trade that the owner must be content with a small freightage in such a case; but still the vessel was earning something, by taking coals to Constantinople, and then going to some small port near, took cargo on to Odessa, and could now come with goods from Odessa. But if, by a fatal policy, they put an end to this indirect trade, the ship could not then go on to Odessa. If this law were maintained, it became a matter, not of speculation, but of certainty, that this country would lose that trade, by being exposed to the same restrictions which Russia now imposed upon other nations. For the present, the treaty we had with Russia relieved us from the operation of that Russian law; but that treaty would expire within a given time, namely, in 1853; and, when it had expired, we knew that Russia would apply to us the same rule that we had applied to her. We should lose at once that trade, of so much value, and we should cut up by the roots that warehousing system which it had been justly contended was one of the main props and supports of our commercial importance. It was precisely the same in the case of Northern Germany and Austria, of the United States, and various other countries. What we gave to them we should have in return. He wanted to point out to their Lordships a little more completely the fact that this law was not an advantage to the British shipowner, but on the contrary a disadvantage to him. The competition with the American shipowner had been adverted to, and much had been said of our inability to compete with the American shipowner in the trade between America and this country. It might surprise some of their Lordships, but he believed that the fact was nevertheless so—that it was this very statute which was our main difficulty in competing with the American shipowner; and his noble Friend the Vice-President of the Board of Trade had called their attention to that fact. By the law of the United States, ships of all foreign countries which subjected them to certain restrictions were not allowed to carry to the ports of the United States any produce but their own. In consequence of this law being in force, we came in the category to which the prohibition applied, and we could therefore carry out to the United States nothing but our own produce. We could not carry an assorted cargo. Our own law imposed, in a similar manner, the same restrictions, and the Americans were therefore crippled in their ability to assort a cargo to bring here. It happened, however, that the American shipowner had comparatively little interest in that way, for his cargoes were chiefly cotton in its various forms, and bulky freights of corn or goods of that kind, the produce of the United States. But in the trade the other way the restriction told. The trade to America from this country consisted principally of manufactured articles of various kinds; and every one who paid attention to commercial matters knew that in sending out cargoes of that description the whole profit frequently depended upon the power of assorting the cargo. The Americans had lately established a competing line of steamers between this country and New York. Now, in an important branch of trade he had been informed that the American steamers had this advantage over the British steam ships. Since the steam communication with America had been established, among the articles which paid best were articles of taste and dress, such as millinery, and matters of that sort, in which, on account of the mutations in fashion, early conveyance was of great importance as affecting the value of the articles; and these articles they could carry and we could not. They therefore always went out by the American steamers; and he had been told that, owing to the privilege the Americans possessed of assorting their cargoes on going back to the States, and which our steamers had not, a great advantage was secured on their side. He could point out many other instances of a similar kind. The law as it now stood, was a protection not to our shipowners, but a protection to foreign interests and foreign manufacturers as against the British. At this moment foreign sugar might come into London in foreign ships; but if an American ship, which might freely bring sugar from Cuba into London, were to bring a cargo of Jamaica sugar, it could not be received. In the course of a short time the duties upon sugar would be equalised, and the moment that took place, Jamaica would have no more interest in importing sugar here than to any other part of the world. The moment that took place, it would be a great advantage to the Jamaica planter, when his sugar was warehoused in London, that he could go to the

warehouse and take it out at the right time, so as to take advantage of the best state of the market; but this, it seemed, would not be allowed. He trusted he had succeeded in showing, in so far as the home trade was concerned, that the restrictions which remained on our Statute-book were no real protection to the British shipowner, while at the same time they were a most onerous and oppressive charge. In that respect, therefore, he thought he had made out a strong case for the Bill before the House. In turning to that branch of the subject which was connected with the colonies, let him say that if what he had advanced with respect to the home trade was true, it was even more true with regard to the colonial trade—that what remained of the old prohibitions and restrictions was, indeed, a mere fragment. The main restrictions now to be dealt with were these —first, that foreign ships could not carry goods from one colony to another, or from one of our colonies to this country. Then, in certain cases, foreign countries were not allowed to trade, except in their own ships, to the British colonies, and in other cases only in British ships. These were the main conditions of restriction. He would point out the evils which that law produced, but in so doing he was anxious to avoid trespassing upon their Lordships' attention longer than he could possibly avoid, and therefore he would confine himself almost exclusively to one case, and that was the important case of Canada. With respect to Australia, he would merely observe that it was perfectly true, as had been stated before by his noble Friend the Vice-President of the Board of Trade, that great evil had resulted in such a case, for example, as the following:—A ship going out, say, from Bremen, with German wine, was precluded from bringing back to this country the ore of Australia; and it therefore frequently happened, as had before been mentioned, that the ore was lying on the beach in large accumulations, owing to the want of conveyance, no British ship being there, and had at last to be consigned to Hamburgh. With regard to the West Indies, his noble Friend the noble Earl (the Earl of Carlisle) had said that he believed the case of the West Indians had been practically abandoned, and that the West Indians themselves no longer pressed it. He believed it had also been said that the repeal would be no boon to them, and that this question had, in fact, nothing to do with free trade. But in Jamaica and the West Indies, the question of the navigation laws was considered to have a great deal to do with free trade. It was felt there that if the principle of free trade was to be maintained in one thing, it ought to be observed in another; and that it was impossible for them to ask us to admit foreign shipping into competition with our own, while at the same time they demanded protection for their own produce; but if they were once assured that it was not intended to restore protection to their sugar, the House might rest assured that they would not long acquiesce in the continuation of the navigation laws. It had been said by a noble Lord in the course of the debate, that much of the inconvenience with regard to Trinidad might be removed by exercising the power which Her Majesty possessed. The noble Lord was mistaken. It would be impossible to relieve the colony from the evils of which it complained, by an exercise of Her Majesty's power. He came now to the case of Canada; and he earnestly entreated their Lordships to consider how the question really stood with respect to that dependency. Corn and flour, the most important articles of the produce of Canada, were now exposed to free competition in the markets of this country with the produce of the United States. It was important to observe that Canada possessed one of the three great lines of internal navigation communicating with the interior of the American continent. Within the last few years Canada had, at a great expense, improved the line of water communication by the St. Lawrence to the great western lakes; and vessels of a very considerable size could now go from Quebec to the lakes without transshipping their cargoes, and in a short space of time. It was a question whether the produce not only of Canada, but of the western side of America, should be sent by this route, or by the Erie Canal to New York. As far as Quebec was concerned, the advantage lay in the Canadian route; for freight from Tremont to Quebec was 60 cents for every barrel of flour, whilst to New York it was 101 cents; and in point of time the former route occupied only six days, whilst the latter occupied sixteen. The advantage, therefore, was very much in favour of the line of the St. Lawrence. But from Quebec the case was altered. The importance of this trade arose from its contiguity to Europe, flour from Quebec and New York being mainly sent in return for goods imported either from Eu-

rope or some of the colonies in the West Indies. In sending flour from Quebec by the Canadian line of communication, the advantages which the Canadians possessed were entirely neutralised by the high prices charged for freights as compared with the freights from New York, the difference in favour of the latter being nearly 50 per cent, though even on that calculation the St. Lawrence line had an advantage in communicating with Liverpool. And what was it that raised freights from the St. Lawrence, and practically destroyed the advantage that Canada naturally possessed? What ruined the Canadian in competition with the American, was the restrictions imposed by the Act which their Lordships were now called upon to repeal. Every gentleman who paid attention to commercial subjects, was aware that the rate of freight from any port mainly depended upon the amount of trade from that port. When a great number of ships were brought into a port by inward trading, they could always afford to carry goods out at a low freight; so that whatever checked the inward trade, raised the freight of the outward trade—in other words, it was the general amount of traffic and employment which ships could command—the certainty of not having the return voyage lost—which regulated the price of freights. A curious illustration might be given of this fact by the practice in a part of our own country. Looking merely at geographical position, there could be no doubt that merchandise from the west of Ireland could get to America cheaper than from Liverpool; but such was not the course of trade. Practically, it was found cheaper to get to America by paying the cost of conveyance to Liverpool, than to go direct to New York from Sligo, Westport, or Galway. It was precisely the same principle which rendered the freights from the St. Lawrence so high. It was stated in the papers upon their Lordships' table that the course of trade upon the St. Lawrence was for large fleets to go to Quebec and Montreal in spring and autumn, which came back freighted at a moderate rate; but in the height of summer, when it was most advantageous to carry goods, there were few English ships in the river; the rate of freights consequently rose to an extravagant amount, and the Canadians were exposed to a great disadvantage because they could not employ American ships to carry goods the produce of Canada. There was a further and most important fact to which he desired to call attention, as showing how the trade of the St. Lawrence was crippled by the regulations imposed by our navigation laws. In a despatch from Lord Elgin, dated the 18th January last, there was a very interesting letter from an experienced and enterprising house in Montreal —the firm of Holmes, Young, and Knapp —representing that they sent cargoes of iron and other goods into the western States of America, even as far as Illinois, and that this trade, if it were allowed to take its natural course, would become most important and advantageous, but that it was entirely crippled by the operation of our navigation laws. They stated, that if American ships could enter Montreal with produce from the British or foreign West Indies, it would be forwarded through Canada to the western parts of America, and that those ships in return would take Canadian flour and other produce to the British and foreign West Indies. What was the consequence of the restrictive system pursued? Did any advantage arise from it to the British shipowner? Far from it. The consequence was, not that the British shipowner gained by the restriction, but that goods which would otherwise go by the St. Lawrence went to New York, and were forwarded by the American instead of the Canadian canals into the interior; and that the enterprising commerce of Canada was checked and crippled by these arbitrary and absurd prohibitions. What had the British shipowner to lose by removing these restrictions? A noble Lord admitted in the debate last night that the case of Canada was a hard one; that Canada lost by these restrictions. He (Earl Grey) said the cost of freight was raised by them; but if it were not raised, the British shipowner would have nothing to lose by repealing them. Nor was the converse true. It did not follow, if freights were lowered, that the British shipowner would lose—far from it. Freights would be lower because the service would be more economically performed; because there would be more economy of labour, and greater prevention of waste. British shipowners would partake of these advantages along with foreigners, and both would derive benefit. But would British shipowners lose by making carriage by sea less expensive? It was generally believed that if a manufacturer could reduce the cost of the articles he produced, he was a great gainer; in like manner if the British shipowner, by the

removal of these restrictions, could reduce the expense of conveying articles of commerce from one part of the world to another, it was certain that commerce, and with commerce navigation, would be increased, and that the interests of British shipowners would be advanced. He did not mean to say that the interests of the foreign shipowner would not be advanced by this measure, or that the advantage of the whole civilised world would not be promoted by it; but he hoped it would not be seriously contended that we should keep advantages from ourselves because others might participate in them. If we were to act on the unchristian principle of not doing good to ourselves, because we might do good to others, we should ourselves be the greatest sufferers, and should deserve to be so. Having shown that these restrictions were a disadvantage to Canada, he would show the claim which she had to be relieved from them. In 1843 Parliament passed an Act by which corn, the produce of Canada, was allowed to be imported into this country on payment of a nominal duty; and, in consideration that she would impose a duty on American corn, Canada was allowed also to grind American wheat, and to import it in the shape of flour into this country. The effect of that law was, that all the disposable capital of the province was invested in mills for grinding corn, in warehouses, in canals, and in ships for forwarding it to England. But hardly were all these arrangements finished, and their canals completed, when, in 1846, there was a sudden change in the policy of this country. The protective duties were repealed, and corn was allowed to come from New York on the same terms as from the St. Lawrence. The consequence was, that the revenue of the canals was lost to the colony, and ruin to an almost unexampled extent was brought upon private individuals by this sudden change. The noble Lord opposite (Lord Stanley) would no doubt tell the House that this ruin was occasioned by the removal of protection. He would tell their Lordships, however, that it was brought about not by the removal of protection, but by the shortsighted and unwise measure which induced the Canadians, in 1843, to build on the unstable foundation of a monopoly, which most persons saw was already gliding from beneath their feet. When the Bill was before Parliament, he (Earl Grey) had opposed it upon that very ground. He had strongly urged the views which he entertained upon the other House of Parliament, but Parliament passed the measure. The Canadians trusted to British legislation, and the result was just what he had expected. But whether he was right, or the noble Lord was right—whether the error was committed in 1843 or 1846, was immaterial to his present argument, for it must be agreed on all hands that it was the want of steadiness and consistency in our legislation which had inflicted this injury upon Canada; and, therefore, we were bound, upon the plainest principles of common sense and justice, to relieve that colony from the consequences of our own conduct. He contended that, when they looked at what had passed, it would be most unjust to tell the Canadians that their produce should not only be exposed to unrestricted competition in the market, but that they should also be exposed to the disadvantages of a monopoly, as compared with their rivals, in conveying that produce to this country. They must, therefore, do one of two things, unless they wished to set justice utterly at defiance. They were bound either to retrace their steps, and to restore to Canada the protection of which they had deprived her, or else they were bound to give her the advantage of the fullest competition in bringing her produce here. This led him to observe, that when the noble Earl who finished the debate last night, said this measure had no connexion with the Act of 1846, he was entirely in error. He considered that that noble Earl, having supported the Act of 1846, was now bound to assist Canada in getting rid of the restrictions by which she was fettered. Even admitting that the restoration of protection would be a wise course, still the noble Earl and other noble Lords were bound, until they could give Canada protection, to grant her free trade in ships. But had the noble Lord opposite, or those who acted with him in the other House, proposed any measure for the restoration of protection? They had done no such thing. Whatever they might say at public meetings to soothe the farmers, who began to find they had been deluded by those who had taught them to rely upon the broken reed of protection, the noble Lord and those who acted with him were too conscious of the real state of public opinion in this country to have ventured, in the other House of Parliament, to make a distinct proposal for the restoration of protection. If they could not do so—if they saw merely

some vague and distant vision of the realisation of their hopes, that was, at all events, a tacit acknowledgment of its impracticability, for he called it a tacit acknowledgment of the impracticable character of any given object, when those who greatly desired its attainment did not move a finger to accomplish it. While, therefore, that prospect was so distant and so vague, noble Lords opposite were bound to cast it aside, and to give Canada the relief which she would obtain from the passing of this measure. He begged now to refer their Lordships to a very high authority, that of the noble Lord who sat opposite. When the Act of 1846 was under consideration, the noble Lord called attention to the very argument which he (Earl Grey) had just used, and urged Parliament, on the ground of the great expense which had been incurred in Canada, in reliance upon the trade she was to enjoy with this country, to reject the Bill. But the Legislature did not reject it, and, therefore, he submitted that Parliament was bound to take the other alternative, and to pass the present measure. He thought that he had shown that the claim of Canada was strong in justice—he would now show that their case was also strong on the grounds of policy and of progress. If their Lordships had read the papers which had been laid upon the table, they could not have failed to perceive the strong evidence those papers contained of the feeling which existed on this subject in Canada. The Canadians were fully conscious of the nature of their claim to the consideration of the British Legislature: they knew that it was a claim not upon the favour, but upon the justice, of that Legislature. The whole province was almost of one mind upon that subject. It was true, as a noble Lord opposite had stated the other day, that the Canadians had held various public meetings to consider this question, and that their prayer was not unanimous in favour of the repeal of the navigation laws. In some cases, no doubt, they had asked for a restoration of protection; but upon this point they were perfectly unanimous—that to allow things to remain as they were, would be to inflict upon them an intolerable hardship. Some persons would, no doubt, prefer the restoration of protection; but he thought it was perfectly marvellous, considering how much private interests had been affected by the transition of 1846, that the preference of that course over the other was not more general. He thought it was greatly to the credit of the commercial classes of Canada, and the members of the provincial legislature, that so great a preponderance of opinion existed in favour of asking for the correction of their present grievances, not by retracing the steps which had been taken, but by going on still further, and giving them the advantages as well as the disadvantages of competition. He had already mentioned a letter signed by several of the most eminent houses in Montreal, which had been addressed to the Council of the Board of Trade in Canada. That Council had asked for the restoration of protection in addition to the repeal of the navigation laws; and the gentlemen to whom he had referred addressed to the Council a letter which he regarded as the most remarkable document which had proceeded from a large commercial body since the famous London petition in favour of free trade presented to the House of Commons by the late Lord Ashburton, arguing in a manner which did them the very highest credit, against any attempt to restore to them that protection which it might have been supposed they would have been most anxious to regain. But he would also refer their Lordships to the general expressions of public feeling in Canada, and to the decisions of the provincial Parliament. At the commencement of this Session, both Houses of that Parliament agreed unanimously to an Address to Her Majesty for the repeal of the navigation laws. He would repeat the word "unanimously," and he would make good what he said. It was perfectly true that an Amendment to that Address had been moved. But that Amendment was not to leave out any portion of the Address. It was not to the effect that the repeal of the navigation laws was unnecessary—the feeling was too strong in Canada on this subject to allow a Motion of that kind to be made, no more than a Motion for the revival of the corn laws could be made here; but the Amendment was, that an addition should be made to the Address, and that it should be an Address not merely in favour of a repeal of the navigation laws, but also praying for the restoration of protection to Canada. But what was the result of that Amendment? On a division upon it, the United Assembly of the Canadas decided, by a majority of forty-nine to fourteen, that they would refuse to insert in their Address a prayer for the restoration of protection. The question was then put upon the Address as originally proposed, and by the

votes of the Assembly, which he had now lying before him, it appeared that no second division took place, and that the Address was agreed to without opposition. The concurrence of the Legislative Council would appear to have been given almost as a matter of course, as he found no report of either discussion or division upon it in the second House. He would only quote one more authority as to the state of feeling in Canada. He would beg to refer their Lordships to a despatch that had been laid on their Lordships' table in the course of last Session, from Lord Elgin, dated the 15th of June last, and he hoped he might be permitted to read that despatch, or at least the greater part of it, to their Lordships, as, in his opinion, it was one of the very highest importance, considering the high character of the noble Lord, and the opportunity which he possessed of arriving at a sound judgment with regard to the state of feeling in the province over which he presided. The despatch thus proceeded:—

"My Lord—A rumour has reached this province that the measure for the amendment of the navigation laws, the introduction of which has been hailed with such unanimous acclamations here, may yet be lost in its progress through Parliament. It is my duty to represent to your Lordship that this report has produced a very painful feeling. The Canadian farmer is a supplicant at present to the Imperial Legislature, not for favour, but for justice; and, strong as is his affection for the mother country and her institutions, he cannot reconcile it to his sense of right, that, after being deprived of all protection for his produce in her markets, he should be subjected to a hostile discriminating duty in the guise of a law for the protection of navigation. That the British shipowner should be unwilling to permit foreigners to share the trade of the St. Lawrence, is not unnatural; but there is too much reason to fear that if the present system be persevered in, the bulk of the produce of Canada will find its way to New York and Portland, where, even under existing laws, it may be shipped to England indifferently in American or British bottoms. I shall not insist on the manifold inconveniences and hazards to which such a state of things would inevitably lead. It is enough for the present purpose to observe, that it would render the monopoly promised to the British shipowner illusory. On the other hand, if the natural and acquired advantages of the navigation of the St. Lawrence were to receive their full development under a system of low freights and charges produced by the removal of restriction, it is probable that not only the produce of Canada, but a large portion of that of the western States of the Union, will find its way to Quebec and Montreal. Of this vast and increasing trade it is hardly possible to doubt that British shipping, with the aid of long-established commercial connexion, will engross a considerable share."

Now, let them hear the words proceeding from one who did not speak lightly on these matters—one who did not speak without the fullest and most ample information, and without the fullest and most perfect conviction that what he stated would take place. He went on to say—

"I cannot employ language which is too forcible in representing to your Lordship the anxiety which I feel, conscious as I am of the responsibility attaching to the high trust which Her Majesty has confided to me, that the liberal policy of Her Majesty's Government on the subject of the navigation laws should receive the sanction of Parliament. The people of Canada are animated with the best dispositions towards England; they are satisfied that the constitution of their forefathers, of which they now clearly see that it is the intention of the Imperial Government that they shall enjoy without qualification or reserve the full privileges—affords them at least as large a measure of substantial liberty and social happiness as any form of government which the wit or ingenuity of man has devised. I am confident that if the wise and generous policy lately adopted towards Canada is persevered in, the connexion between this province and the mother country may yet be rendered profitable to both in a far greater degree than has been the case heretofore. I should deeply grieve, therefore, if an attempt, which I am disposed to believe, in so far as the St. Lawrence is concerned, prove futile, to secure a monopoly for a useful and exemplary class of our fellow-subjects, provisions were suffered to remain on the British Statute-book which would seem to bring the material interests of the colonists and the promptings of duty and affection into opposition."

In addition to the opinion thus expressed by Lord Elgin, he (Lord Grey) would not hesitate to declare his own firm conviction that if their Lordships now decided upon rejecting this Bill, they would give a stab to the peace of these provinces from which they would not easily recover. He believed that they would give a shake, and a most serious shake, to the security of British power in their North American colonies. They all knew, and he believed would all acknowledge, that the connexion between this country and the North American colonies could not be maintained on any other ground than that of perfect equality, and by this country possessing the confidence and affections of the people of these provinces. It was neither possible, nor, if it were possible, would it be desirable, that the possession of Canada, and the other provinces of North America—for on this matter they should all be considered as one—could be maintained on any other terms. They should remember that it was not Canada alone that was concerned in this matter, but that the fate of the great naval arsenal of Halifax was also involved in their decision. When

their Lordships were talking of the importance of maintaining the naval strength of the empire unimpaired, he would beg to remind them of the danger to which the rejection of this measure would expose one of the most important of their great naval ports. The North American colonies were a whole—they must hold them, or they must lose them, together; and he would repeat, they could hold them only by retaining the cordial affections and support of the people of those provinces. He believed that this truth could not be too strongly impressed upon them; he believed that they could not have too constantly present in their minds this great and important fact, that these, and these only, were the terms on which the present connexion between the British empire and their colonial subjects on the other side of the Atlantic were secured. But he would beg them also to consider that at this moment, as Lord Elgin had told them correctly, the Canadians, the great body of the Canadian people, whether of French or of English extraction, were decidedly cordially attached to this country, and that they were daily becoming more and more aware of the blessings which they enjoyed from their connexion with the British empire, and of the great advantages which they derived from the form of government now established among them. In the midst of their disputes — and what people were there among whom there were not party disputes ?—in the midst of these disputes, no doubt imprudent and violent men would sometimes be found to talk of a union with the United States. In the United States, too, some persons have talked of the same thing, or, as they termed it, of a nullification of the connexion between this country and the North American colonies. But still, in the midst of all their party disputes and violence, he had no doubt but that they were still sincerely attached to this country, and that they were becoming daily more sensible of the benefits which they derive from belonging to the British Crown. But he was not prepared to say that this feeling would be continued if so gross an act of injustice, as in their opinion it would be, should be committed as that of the rejection of this measure. On the contrary, he believed that if their Lordships threw out this Bill, they would part with their best security for the attachment of these colonies to the British Crown. It was the opinion of many who had watched the current of political opinion and events in the world for the last few years, that the connexion of these provinces with the mother country was drawing rapidly to a close, and that they would become an independent people at a very early day. If this were so, and this country should lose the present opportunity of doing, with a feeling of good grace, an act of favour to these colonies, they might put it out of their power to secure to themselves even the benefits that would arise from the maintenance of friendly relations with them when they should have become an independent Power; what had happened before might happen again, and there might be hereafter written in the records of England's policy towards those colonies—then no longer hers—the fatal words, "Too late!" But what did the noble and learned Lord opposite (Lord Brougham) tell them on this subject? The noble and learned Lord had stated that the importance of the colonies was derived from this country being able to maintain their navigation laws without regard to them; and by his use of the expression *quid pro quo* the noble and learned Lord appeared to signify that he would give the colonies nothing without getting a return for it. If his opinion of the value of the colonies were as low as that of the noble and learned Lord, he did not know how he might be disposed to act towards them; but he believed that the colonies ought to be maintained on far higher grounds. He considered the maintenance of our North American provinces to be an essential element of their national strength, and it was mainly on that ground that he now called upon their Lordships to agree to this Bill, as an important and necessary step for the security of their colonial empire. He would beg to remind their Lordships of the effect which the navigation laws formerly had in the breach between this country and those of her colonies in North America which now formed a separate republic. The history was, indeed, full of instruction and of warning as to the future; and he felt so strongly as to its direct bearing on the question now before them, that he must entreat their Lordships to grant him their patience while he called their attention briefly to it. In the early period of the history of the North American colonies, the commerce was perfectly free and unrestricted. The great author of the navigation laws himself had allowed the rising colonies of New England to enjoy an unrestricted trade. Under that system those

colonies increased rapidly in wealth and population, notwithstanding the numerous wars with the Indians, and the unsettled state of the country. After the Restoration, however, Charles II. endeavoured to apply the navigation laws to those colonies: the attempt was met by resistance on the part of the colonists of the most determined kind. The whole of the population of the colonies joined together in making the law a dead letter—juries, magistrates, and witnesses, by acting in concert together, defied the whole of the united exertions of the power of this country. The odious law of trade and navigation could not be enforced. He would trouble their Lordships with a quotation, and that a very remarkable one, on the subject of the enforcement of those laws. In the year 1679, Edmund Randolph was sent out as the first collector of customs to Boston, for the purpose of enforcing the law of navigation and trade in that place. The work from which he intended to quote was a very interesting one, perhaps not generally known in this country: it contained the lives of all the most remarkable men who took part in the great struggle of the American war against this country. In the introductory chapter of this work, an account was given by Mr. Savage of the mission of Edmund Randolph, who was selected as the most able and energetic person who could be sent out to enforce this law. It stated—

"He was a doomed man before his arrival. Determined upon success, he made eight voyages to and from America in the nine years which connect his name with our annals; but from the first to the last of his career he was treated with aversion and contempt. The merchants determined that he should not break up their intercourse with places interdicted by the Navigation Act; and the vessels which were seized by him and his deputies were rescued, and sent upon the voyages which their owners had designed them to make, though liable to reseizure upon their return to America. If he carried his complaints to the colonial courts, he obtained no redress, but, on the other hand, both he and his subordinates were fined for their official zeal. In a word, after enduring every indignity, Randolph himself was imprisoned. In a letter to Lord Clarendon, written from Boston in 1682, he says, 'I humbly beseech your Lordship that I may have consideration for all my losses and money laid out in prosecuting seizures here.' The same year he wrote to the Bishop of London, 'I have a great family to maintain, have great losses and expenses about His Majesty's service here.' To a Mr. Povey, in 1687, he says, 'I am at 50*l.* a year charge to keep an able clerk, and cannot get any fees settled sufficient to pay that charge.' In a letter dated from the 'Gaol in Boston,' to the Governor of Barbadoes, he thus writes: 'The country is poor; the exact execution of the Acts of Trade hath much impoverished them; all the blame lies upon me, who first attacked and then overthrew their charter, and was the officer to continue their Egyptian servitude by my office of collector.' Again, and from his dungeon, he implored Cooke, his old enemy, to take from his apartment a wounded fellow-prisoner, whose sores had become insupportably offensive."

He need scarcely remind their Lordships that the Government of Charles II. and of his successor were not strong enough to enforce those laws, and they, therefore, remained upon the Statute-book practically a dead letter: that they were so, he held in his hand the strongest possible proof in the form of an extract from the same work which he had just been quoting. It ran in the following terms:—

"Such was the result of the first effort to fasten upon the colonial merchants and shipowners the Navigation Act and Laws of Trade. After this signal failure all further and serious endeavours to arrest the course or restrain the limits of their maritime enterprises were discontinued for nearly a century. Collectors of customs were, however, continued at all the principal ports, but they seldom interfered to trouble those who embarked in unlawful adventures; and such adventures were finally undertaken without fear, and almost without hazard. In truth, the commerce of America was practically free. Some merchants 'smuggled' whole cargoes outright; others paid the King's duty on a part, gave 'hush money' to the under officers of the customs, and 'run' the balance. Suddenly and without warning there came a change. The year 1761 was filled with events of momentous consequence."

That evidence was clearly confirmed by the history of those transactions written by Mr. Chalmers, a clerk in the Board of Trade; and a more unexceptionable witness upon the present question could scarcely be produced by a Member of the House taking that view of the question before their Lordships which he (Lord Grey) felt it his duty to support, for Mr. Chalmers was a perfect worshipper of the navigation laws, and, with the same spirit which seemed to animate the other writer whom he had just quoted, Mr. Chalmers, assured his readers that the merchants of Boston and New York did, in those days, grow rich under the navigation laws—damnably rich. It was of course well known to many then present that in the early part of the reign of George III. an unfortunate attempt was made to enforce the navigation laws in America; and if that attempt had been persevered in, it must have ended even then in a separation of our North American possessions from the Crown of England. Now, it was generally supposed that the American war of

independence arose merely out of a question of taxation; but it was not merely taxation, it was a question about the navigation laws. It was an attempt to enforce those laws, which led to hostilities between the mother country and the States of America. In proof of this assertion, he might quote from the work of Mr. Sabine the following passage:—

"In their opposition to the Navigation Act and laws of trade, the merchants and shipowners were entirely right. Obedience to humane laws is due from every member of the community; but the barbarous code of commercial law which disgraced the Statute-book of England for the exact century which intervened between the introduction and expulsion of her colonial collectors and other officers of the customs, was entitled to no respect whatever. Separation from her would have followed as certainly in 1676, when the first attempt was made to fix this code upon America, as in 1776, when the experiment failed a second time, if there had been at the one period the same strength and concert, the same deeply-seated irritation, and the same aid from the state of English and European politics, as existed at the other. There never was a moment, early or late, when the maritime colonies would have submitted willingly to the requirements of these statutes, or have submitted to them at all without the use of force. And whoever carefully traces the course of events for the fifteen years immediately following the year first abovementioned, will discover a most striking resemblance to those which occurred between 1761 and the commencement of the war of the revolution."

By the kindness of the distinguished historian of the United States, now the Minister from that country in England, Mr. Bancroft, he had been able to confirm that testimony. He had furnished him with copies of some very curious letters of Turgot, the French Minister, in which he stated that any attempt to enforce those odious restrictions would obviously lead to a separation between the two countries; and again, six years later, when the struggle had commenced, he expressed the same opinion. He would confirm that further opinion by a short letter which he had received from Mr. Bancroft himself, addressed to him in answer to some inquiries he (Earl Grey) had made of him upon the subject. Considering the distinguished eminence of that gentleman as an historian and as a statesman, he thought it would be admitted that his evidence was worthy of some consideration. He said—

"John Adams, the second President of the United States, the first American Minister in London, the foremost in declaring independence in 1776, said always that independence was born in the struggle in 1760 and 1761, against the enforcement of the Navigation Acts. John Adams, in his account of the origin of independence, dwells on every one of the leading restrictive acts on navigation and trade, and says he never could read them, even when alone, without uttering a curse on them. The renewal of the dispute after the repeal of the Stamp Act, took place in the summer of 1767, in an attempt to enforce the Act of Trade against a vessel of John Hancock. The New Yorkers were still more opposed to the Acts of Navigation than the Bostonians; they were many of them of Dutch origin, and could not trade with Holland."

It was a most striking fact, that during a century and a half, while the navigation laws were in abeyance and not in force, they had in the American colonies prosperity, contentment, and loyalty. They had, on the other hand, twice when this law was attempted to be enforced, offered the most determined resistance to the restrictions which the navigation laws imposed on their commerce. In the first instance, the attempt to enforce these laws was wisely abandoned; in the second, the councils of this country were not under the same guidance. The spirit of Walpole, who said that he would leave this question for his successor, no longer presided in Downing-street. The attempt to enforce this odious law was persevered in, and the result was a calamitous war, and the ultimate dismemberment of the empire. These things were matter for their instruction, if they would but take warning by them. Would they then, in defiance of all this experience, with this lesson before their eyes, again rush blindfold into the same shortsighted and unjust policy? He trusted not. He trusted that the decision which this evening their Lordships would come to, would be a different one. He could only say that if unfortunately the decision was the reverse of that which he confidently anticipated, he would indeed, in his opinion, be a bold man—not to use a stronger word—who would consent to make himself responsible for the administration of colonial affairs in the face of the danger and difficulty which that decision would bring about. He had now, he was aware, at too great length, called their Lordships' attention to that branch of the subject with which he was more immediately connected. He should now conclude by saying a few words, and they should be a very few words, upon the bearings of the question generally. It had been said that the present question was altogether distinct from the general question of free trade. He did not think so. On the contrary, he held that this was only one branch of the great question at issue between com-

mercial freedom or restriction, and he was justified in saying so because he found that those who were opposed to him, except a very small number, except two noble Lords —the noble and learned Lord (Lord Brougham) who took the lead in opposition, and the noble Earl (the Earl of Ellenborough) who closed the debate last night—these two noble Lords did indeed deny the connexion of this question with that of free trade. But he did not find that other noble Lords followed their example. He could not help observing, also, that great stress had been laid during the present discussion upon the great number of petitions presented to this House on the subject now before their Lordships. Now they all knew the machinery by which petitions, of late years, were got up, sometimes on one side, sometimes on another. That machinery had gone so far as to destroy in a great measure the value of the right of petition. But he had never known that machinery to be worked more vigorously than on the present occasion. Take the petition that was presented from the great town of Liverpool, for example. They were told that in that town, containing 300,000 inhabitants, 47,000 persons had signed the petition. He presumed it was pretty well known that there were considerable divisions upon the question of the navigation laws; and then did any one suppose that a genuine petition could have been fairly signed by three-fourths of the adult male population of the town? And, even supposing it to have been so signed, that it deserved any degree of weight proportioned to the number of signatures which it bore, when many of those who signed it must have been paupers, beggars, or worse, for 47,000 formed three-fourths of the whole male adult population? But it was not merely on the number of signatures, but on the number of petitions, that stress had been laid: from the Minutes of their Lordships' House he should now read the names of some of the places from which the petitions had proceeded; they came from the clergy, owners, and occupiers of land, and others in Mayfield, Hastings, Pulborough, Enfield, Crawley, Steyning, Uckfield—what had they to do with the navigation laws?

The Duke of RICHMOND: They are in a maritime county.

Earl GREY: No doubt from a maritime county. They were also from Uxbridge, Tewkesbury, Melton Mowbray. Melton Mowbray, he believed, was not in a maritime county. Did any of their Lordships believe that the preservation of the navigation laws was the object these petitioners had in view? He had sent for one of these petitions, to examine it. It was very short—he thought it very entertaining, and perhaps their Lordships would allow him to read it. It purported to be the humble petition of the undersigned persons, from Ashby-de-la-Zouch—in a maritime county of course—and stated that the petitioners viewed with alarm the depressed condition of British agriculture, which they thought would ruin not only the landlords, farmers, and labourers, but those other industrious classes who were dependent upon them for their support. The petitioners prayed, therefore, that such duties might be imposed as would lead to the restoration of sufficient protection to the agricultural, colonial, manufacturing, and commercial interests, and would raise a sufficient revenue to meet the wants of the country, and would reduce the taxation of the country by throwing the customs duties upon the foreign producers. That was a species of political economy which their Lordships would be able, without any remarks from him, to appreciate. The petitioners then went on to deprecate any alteration in the navigation laws, under which the country had attained its present pitch of prosperity. Such, then, was the character of the petitions. He asked, then, whether he was not justified in stating that the resistance to this measure on the part of the petitioners was meant as the first step backwards from that commercial policy which they adopted in 1846? It was not intended to stand by itself, it was merely the first and preliminary step towards an attempt at what was called reaction. And to do the noble Lords justice, he must say that in presenting these petitions, they, so far as he understood them, did not disguise the fact that such was in truth their aim. They did not hesitate to tell the House that there was a great reaction in the country. [*Cheers.*] Oh yes, to be sure, he knew it —noble Lords believed that there was great reaction; they called upon the House to throw out the Bill, as the first step in that policy which they were called upon to adopt in the belief that this reaction was a real and substantial thing. He asked noble Lords to pause before they determined to give their sanction to the policy of reaction. He advised them to consider well what effects would result from

adopting it. He was not the least afraid that they would succeed in altering the measure for the repeal of the corn laws. He had not the smallest, the most distant, the faintest apprehension that they would ever succeed in restoring the corn laws. That which some noble Lords mistook for apathy in public opinion was not apathy, but a well-founded opinion among the people of this country that such a step once taken could never be retraced—that the tide of human improvement was steadily and constantly in progress—and that the opinion which more than a century ago was admitted to be sound by the philosopher in his closet—which, after a lengthened struggle, in which it had to contend against passion, prejudice, and interest, had so succeeded as to become practically enrolled in the Statute-book—that after such a struggle and such a victory in this free country there could be no retreat. They might as well suppose, because the tide went back for a moment, that the waters of this mighty river were about to return to their parent source, as imagine that by any effort of theirs they could roll back the tide of public opinion. No; the corn laws were settled for ever. But though he had perfect confidence that such was the case, he was not the less apprehensive of the serious consequences of reopening this question. Let him ask their Lordships to consider whether it would not be full of danger to the best interests of this country again to raise that agitation which was for the present quiescent. Did their Lordships remember the machinery of the agitation which then existed, or did they wish it to be renewed? Let them point out first of all how it would affect the interests of those whose benefit they professed to have at heart. Look how it would affect the interests of the land. Did they not think if they again began the agitation for protection, if they again circulated the doctrine that protection was necessary to the proper carrying on of agriculture, that they would be taking a course fraught with evil, that they would depress the value of all landed property, whether it was to sell or to let? There was nothing in the present prices to justify panic. The average price of wheat was now 40*s.*, and the average price under protection had been 35*s.* There was nothing, therefore, in the fact of there being a low average price for a time to justify the panic under which the agriculturists were suffering. There was not a landlord in the country at this moment who was not suffering from a depressed value of his property, in consequence of this panic. But would their Lordships aggravate that panic? Did they think there was no danger in the present state of Europe in again setting class against class?—or again calling into activity all the machinery of the Anti-Corn-Law and the Pro-Corn-Law League?—and in keeping up an agitation upon the exciting subject of the food of the people? Were they so blind as not to know that among the ostensible advocates for a repeal of the corn laws, were too many persons who were exceedingly sorry at the early success of that measure—that there were too many who wished to maintain the machinery of that agitation for ulterior, and, as he (Earl Grey) believed, most dangerous objects? Were their Lordships going to play into the hands of those parties, and enable them to set up again the machinery of that agitation for those most dangerous purposes to which he had adverted? He trusted they were not. Was there not another danger? Did they not fear that if they got up the cry of "Protection!" the tenantry might turn round upon them and say, it was not protection but something else they wanted; that they would no longer trust to the gentry under whose guidance they had formerly acted, but that they would act for themselves, set up a new flag, and adopt a more dangerous cry? Were their Lordships prepared to run the risk of inflaming the minds of the tenantry with dangerous and exciting topics? Were they prepared to expose the best and most vital interests of the country at this moment to the incalculable hazard of a new agitation? He trusted they were not. It was true the noble Lord opposite (Lord Stanley) told them the other night to look to none of the risks, to look to none of the dangers, but to consider only the measures before them, and to throw it out without fear and without scruple. That advice was characteristic of the noble Lord. He was indeed—

> . . "A daring pilot in extremity,
> Pleased with the danger, when the waves ran high
> He sought the storm."

The noble Lord might seek the storm; but he trusted their Lordships were not prepared to follow his example. He trusted that, in the exercise of a calm and sober judgment, they would consider the bearings of their decision that night, not only upon the immediate question now before them, but upon the general interests of the

country—subjects which they were bound not to exclude from their consideration. He was convinced that, however those who looked upon public affairs as a mere exciting and intellectual game, which might be carried on in the spirit of a race course or a prize fight—however they might look upon this question—he was convinced that the great majority of their Lordships would feel that there was imposed upon them the highest and most solemn responsibilities, and that they would take into consideration all the circumstances to which he had adverted; and if they did so, he felt no doubt whatever as to what would be their decision.

LORD STANLEY: My Lords,* in rising to address your Lordships at this late hour (a quarter past one o'clock), you may rely upon it that I will not go back, as the noble Marquess has done, to the days of Henry II.; nor shall I go back, as the noble Earl has done, to the days of Mr. Randolph, with his large family. Nor to those days, a recurrence of which, I fear, is yet more remote, when our colonies, to use the emphatic language of the noble Earl, were "damnably rich." I shall not even be tempted by the digression with which the noble Lord concluded his speech to enter into the topics which he has touched upon. I am not surprised at that digression. I very well understand its purport, and I can easily imagine that it may be agreeable to the noble Earl, with the cause which he has to argue, to seek for a diversion from the real question at issue, and unnecessarily to convert this question into one of free trade, on which every other speaker during this debate, with great good taste and great judgment, has hitherto forborne to enter. For my part, I shall confine myself to the question immediately before the House; I shall not inquire whether the abolition of the corn law was or was not a wise measure—whether all interests, including that of the producers, have reason to be satisfied with the present price of wheat, nor even whether this measure will have any effect in raising or depressing the value of landed property. I will confine myself to the question now before your Lordships—is it, upon all the considerations of domestic, foreign, and colonial policy, advisable now, by adopting the principle of this Bill, and giving it a second reading, to throw down and destroy utterly and altogether that system of laws which, for two hundred years at least, has been looked upon by the people of this country as the basis of our national greatness, and the foundation of our naval strength? I shall examine this question, and endeavour to confine myself to the topics which have been adverted to by the noble Earl; and I will follow the noble Earl through the colonial part of the question to which he has naturally applied himself.

My Lords, I say that the question now is, will you abolish—will you entirely repeal your code of navigation laws? The question is not, will you now, as you have done before from time to time, judiciously and wisely, because considerately and not blindly, adapt the provisions of these laws to the times in which you live, and to the state of your relations with foreign countries. I approve of that policy for the past; I do not deprecate it for the future; but what I do most strongly deprecate is that hasty, and injudicious, and ill-considered step which Her Majesty's Government advises you to take, and which I request your Lordships to bear in mind the noble Earl has taken care to tell you, in emphatic language, if once taken, is irrevocable, that you should now utterly destroy the navigation laws. That is the question which your Lordships have now to decide—not whether the minor inconveniences which may exist are a fit ground for legislation at all, or whether they are such as may easily be remedied, either by the authority of the Crown, or the intervention of the Legislature, by modifying your statutes to some extent, without departing from the main and fundamental principle of the laws.

The noble Earl thinks fit to call the navigation laws—and the noble Earl pronounces an opinion on all subjects with considerable confidence—the noble Earl describes the navigation laws, or rather the "remnants and fragments" of them which are left upon the Statute-book, as the barbarous relic of a barbarous age—as discreditable and disgraceful to your Statute-book—as inconsistent with the practice of all civilised nations; and he only wonders that any nation pretending to be civilised, should so long have endured the oppression of those laws. I may be told by the noble Earl that he has gained by experience, but I recollect hearing of the time when the noble Earl himself was not quite of the opinion which he has now expressed. [Earl GREY: No, no!] If the

* From a Report published by Ridgway.

noble Earl says to me that at no time, at a public meeting at North Shields, did he express different opinions—it is true that he was then addressing a maritime constituency—if the noble Earl tells me that the paper which has been placed in my hands, and which purports to contain extracts from speeches delivered by the then Earl of Durham, and the present Earl Grey, is a forgery and a fiction, I have done with it at once; and though I was not guilty of a wilful misrepresentation, I regret that I made the statement.

EARL GREY said, that the extracts were correct as far as they went; but the speech was delivered when he was only twenty-three years old, and before he had ever sat in Parliament; if, however, the whole passage was read, it would be found that though he said that it was unjust to expose the British shipowner to competition whilst he was exposed to restrictions, yet he suggested as the remedy to take off those restrictions.

LORD STANLEY: The noble Earl having given an explanation of the speech, which I will therefore not now quote, I may mention the occasion on which the speech was made. It was not with reference to the repeal of the navigation laws, which is now proposed; but that speech was made against those relaxations of the navigation code which were introduced and proposed by Mr. Huskisson, in reference to which your Lordships have heard that Mr. Huskisson gave the most crushing answer to his opponents. But I will not cite the high authority of the noble Earl. I will descend from the high authority of the noble Earl, not to quote that passage from Adam Smith, which has been so commonly mentioned, but to refer to the expressed opinion of that great writer and political economist, that those laws, dictated as they were in the first instance by national animosity, had in their effect produced the very measures which the utmost political wisdom could have devised. And afterwards, after they had ceased to be any more than they are now, when they were only the barbarous relic of a barbarous age, after these relaxations had been introduced, which so much alarmed the youthful fancy of the noble Earl, Mr. Huskisson was still heard to say—

"I am ready to admit, that the regulations of our navigation system, however salutary they may be, must more or less act as a restraint on that freedom of commercial pursuit which it is desirable should be open to those who have capital to employ. I am however, at the same time, bound to say, that these regulations are founded on the first and paramount law of every State, the highest ground of political necessity—the necessity of providing for our own safety and defence; the necessity of being prepared to afford security to our numerous colonial possessions, scattered throughout all the seas of the world; the necessity of protecting the different branches of our widely-spread commerce against all the risks attendant on a state of war; and, lastly, the necessity of preserving our ascendancy on the ocean, and thereby sustaining the high station in the rank of nations which that ascendancy, more than any other circumstance, has given to this country.

"Entertaining these opinions, I am as ready as any man can possibly be to say, that it is our duty on all occasions to look to the peculiar nature of this State necessity; and that, whenever the interests of commerce and navigation cannot be reconciled, the feeling which ought to be uppermost in all our minds, should be—I, Sir, have no hesitation in stating it to be my feeling—that the interests of commerce in all such instances ought to give way, and those of navigation to have the preference."

Adam Smith, then, talks of these laws, though originating in national animosity, as producing the effect of consummate wisdom. Mr. Huskisson thinks that they rest on paramount considerations—on the highest grounds of political necessity. Earl Grey considers that they are disgraceful to your Statute-book — the relic of a barbarous age; and between these conflicting authorities your Lordships have to decide. I will invite the consideration of your Lordships to the extent of the interests involved in this question, which you are now called upon irrevocably to decide. I do not believe that the amount of tonnage is quite as large as the noble Marquess opposite has stated. I do not think that it amounts to 4,000,000 of tons; nor do I believe that the number of seamen amounts to 232,000; but there is no doubt of this —that in that shipping interest, and in the trade connected with that shipping, there is embarked a capital of from 50,000,000*l.* to 60,000,000*l.*; that it employs, besides seamen, 80,000 artificers, and that these 80,000 artificers divide amongst them annually 5,000,000*l.* at least in the shape of wages. The freight carried by the vessels of this country, by British shipowners, paying wages to British seamen, British workmen, and artisans of every description, is not less than 28,600,000*l.*

But, my Lords, these are the mere pecuniary questions which your Lordships have before you, and upon which you have to decide, affecting the money and wealth of the people; but there are considerations much higher than these—considerations of paramount importance—far above all ques-

tions of money and wealth—the considerations of national defence and national greatness. On one point we are all agreed; we are all agreed that our maritime superiority is essential to our greatness, to our independence, and to our existence as a nation. We are agreed that on the maintenance of our commercial marine depends the maintenance of our naval superiority. I have shown your Lordships the extent of our commercial marine, and you are now called upon to put in jeopardy all these great interests, pecuniary and national, and to declare that you are so satisfied with the arguments of the noble Earl and his colleagues, that you have no hesitation in sweeping away at once every vestige of those laws under which those great interests have grown up and flourished. That, my Lords, I think, is not a course which ought to be hastily adopted by the British Legislature; but if I am embarrassed by the complexity of these considerations, and by the risks which we are called upon to encounter, I am, my Lords, hardly less astounded, after this lengthened debate, notwithstanding the great ability of noble Lords who have spoken in support of the Bill, at the comparative paucity of the arguments by which this great change has been sustained, and at the recklessness of the Minister who, with hardly any motive, is willing to jeopardise all these great interests, and to rest all upon the hazard of a single die. It is not for us to be called upon to show what is the value we attach to these ancient laws; the *onus probandi* is not thrown upon us, who advocate the continuance of time-honoured institutions —institutions not more honoured by time than by the success which has attended them—the *onus probandi* rests with the Government, to show such an imperative necessity, such an overruling compulsion, that nothing but the absolute repeal of these laws can meet the almost insuperable difficulties by which we are surrounded. Have they shown anything like it? Have they shown anything in the past, in the present, or in the future, to call for so sweeping a change?

The noble Earl has commented in language which I was surprised to hear from a Member of a popular Administration on the petitions which have been presented to this House upon this subject. He has produced some few signed, and not unnaturally, by tenant farmers, who, though suffering under the oppressive laws which you have of late passed, are not yet lost to all sense of sympathy with others who are threatened with similar oppression, and who, though you have ruined them, protest with a generous feeling, which does them credit, against your involving other classes and other interests in a similar ruin by a similar but more uncalled-for legislation; but even if it be true, that of those petitioners, among whom there was almost entire unanimity when addressing themselves to your Lordships on this question, there be some who have not a direct interest in it, is that to be a ground for disregarding the expression, the unanimous expression of all those great communities which are directly affected by this measure? The noble Earl says the petition from Liverpool is too large. He cannot believe that 47,000 men in Liverpool consider that this Bill is unwise, impolitic, and oppressive. I believe, nevertheless, that this is the case; but if the noble Earl thinks that the 47,000 signatures to the Liverpool petition are an indication and evidence that there are 47,000 men in Liverpool against free trade, let me correct that misapprehension at once; it is no such thing—Protectionists, Free-traders, Tories, Whigs, Radicals, persons of every denomination of political opinion, have joined in that petition, with an unanimity which is probably astounding to the noble Earl, but which seems perfectly natural to those who are acquainted with the tone of feeling in the great town of Liverpool in respect to those laws. The question was discussed at the meeting from which that petition came; and though the petition was not agreed to with entire unanimity, the minority was so small that it might fairly be supposed to leave a balance of 47,000 men, or three-fourths of the male adult population of Liverpool, deprecating and protesting against this measure. But if the noble Lord be right, where is the counter-petition from Liverpool? Where is the counter-petition from any quarter? Is there, my Lords, I ask, one great shipping town in the kingdom from which petitions have not been presented against it? Is there one great shipping town which has presented a petition in its favour? There is not one.

No doubt it is very convenient to hold the doctrine propounded by the President of the Board of Trade, that these people do not understand their own interests—that the merchants do not know what is good for commerce, and that naval men have no idea of what is good for the Navy,

and that those engaged in navigation do not know what is good for the shipping interest; but that there is one infallible tribunal which looks impartially over the whole range of affairs, and that tribunal is Her Majesty's Government. But there is an old proverb which has much truth and wisdom in it—*cuique in suâ arte credendum*—and when I see that all naval men, except one, consider your scheme as ruinous to the naval power of this country —that every shipowner says it will be ruinous to my shipping—and that all commercial men say it will do no good to our commerce—I confess that I am inclined to believe the unanimous testimony of those three classes, rather than to set aside their opinions for the purpose of placing implicit faith in the recommendations of Her Majesty's Government. But let me do justice in one case in which I made the other night a slight misrepresentation. The noble Marquess presented a solitary petition from Manchester in favour of the Bill. The whole number of signatures against the Bill is 166,000; and in favour of it the signatures in all are only 3,799; of these, 177 are from Southwark; 175 from Deptford; and the total from England about 1,000; but, upon the noble Marquess presenting the petition from Manchester, I asked him how many signatures it had, and the noble Marquess said he had not counted;—no more had I, but I had been informed there were 488 signatures when the petition had been lying for only two months in the Exchange at Manchester. My information, however, was a week old; and I have found that the petition had in the course of that week gained an accession of strength, for there were not 488 but 489 signatures; and I beg, therefore, to apologise to the noble Marquess for the trifling error into which I fell.

But another observation was made by the noble Earl, which I heard with still more surprise—I heard the noble Earl talk about the machinery employed for getting up petitions; but I venture to say, that there never was an occasion which called forth a more spontaneous declaration of the feelings and opinions entertained in the great majority of our seaport towns. But, my Lords, what has most surprised me is, that any observation as to the machinery resorted to for the purpose of getting up opposition to this measure, should have come from any Member of Her Majesty's Government, who, if I am rightly informed, have made very laudable, it may be, but certainly very strenuous, and I believe I may say very unusual, efforts to obtain a majority in your Lordships' House. If, my Lords, there is any one interest which, more than another, is prone to cry out when it is hurt, or before it is hurt, and which is disposed to watch jealously the proceedings of the Legislature, it is the great mercantile interest; and if the great mercantile interest really had suffered from the operation of the navigation laws, depend upon it these laws would not have been permitted to remain on the Statute-book so long without a single voice of complaint from any one branch of the commercial world. But more, we invited inquiry—we courted investigation—we asked the opinions of our merchants; and no man can say that those merchants were selected on account of their political opinions or personal connexions; before the Committee of your Lordships' House appeared merchant after merchant, who, when they were asked whether they had any complaint to make against any of these laws, one and all said, "No; I never found them interfere with my trade; I never found them any interruption to my commerce;" and it is no answer to that evidence that when asked, "Do you know anything about the navigation laws?" they answered— [Earl GREY: No!] Yes, that was the reply; and the noble Earl seemed to think that was a great point gained. The merchants replied, "No!" that they knew nothing about them. Why, my Lords, what the merchants did know about them was, that they never felt their operation, that they never felt any inconvenience from them. But they belonged to that very class upon which, if upon any, according to the noble Earl opposite, those laws pressed most heavily, and yet they never felt them, they knew nothing about them. My Lords, I say that negative evidence of that sort is of the utmost value. With respect to those small and minor complaints as to particular articles, I confess that I could hardly refrain from smiling when I heard the noble Lord alluding to the old case of the Havre cotton, to cochineal and Manilla hemp. These are only exceptions which prove the general absence of complaint against the whole system. I will not say that you should apply to them the principle *de minimis non curat lex;* but at all events a very trifling alteration and modification of the law would completely remedy those incon-

veniences, without infringing at all upon the main principles of the laws themselves. The noble Earl invites us to consider the Canada case; and in point of fact, we may consider the whole question as resting, first, upon the relations subsisting between this country and the colonies, and next upon the demands made by foreign Powers: because I think, with regard to the consumer deriving any benefit from the reduction of freight, that argument has been abandoned as untenable. True it is, that by competition freights may at certain periods, and to a certain extent, be lowered perhaps to the extent of 25 per cent upon the whole freight earned — a reduction which may by the way turn the scale against the British shipowner, and in favour of his foreign rivals, but which cannot give any appreciable relief to the consumer; because when divided over the entire tonnage of the ship, 25 per cent upon the freight would not sensibly reduce the price of the article imported. I therefore go at once to the case put by the noble Earl, and I say, that if I looked to the question with regard to Canada alone, I do think that Canada is an exceptional case: and that, under present circumstances, whatever might be the practical effect of the alteration, a strong case might be made out in argument on her behalf in favour of a relaxation of the navigation laws. I repeat that I think Canada, in the circumstances in which she now stands, has a strong claim to be made an exception. And here let me observe that the noble Earl, who laid so much stress upon the importance of attending to the demands and complaints of the colonies, appears more anxious to meet their wishes, and more desirous to comply with their demands, when they happen to be in exact consonance with the wishes of the Government. I have failed to perceive him so anxious on other occasions. When Australia petitioned against having fresh importations of convicts sent to her shores —when the Cape of Good Hope protested against having, for the first time, the polluting stream of crime poured in upon her—when the West Indian colonies, showing the absolute ruin and beggary to which they have been reduced, by being exposed to an unfair and unequal competition with the produce of their labour, prayed for some equivalent or protection—nay, even when those West Indian colonies, borne down by the effects of free-trade legislation, petitioned for fiscal relief from the burden of the enormous establishments to which they were subjected—I do not find that the Colonial Office had ears always so widely open to hear, however loudly expressed, the complaints of our suffering colonies. Even in this very case, let me remind the noble Earl, that although Canada asks at our hands some relaxation in her favour of our navigation laws, the Canadians, not with the same unanimity certainly, but with large numbers of signatures, petitioned your Lordships' House, praying that you would grant them that, without which the removal of our navigation laws would be useless—namely, such a differential duty in their favour as alone would have the effect of transferring the stream of commerce from the great countries of the west to the St. Lawrence. I do not find that that prayer has been attended to. Even these petitions which do not ask for a renewal of protection begin by saying, that whereas the mother country has deprived them of the protection which they had hitherto enjoyed, they petitioned for the relaxation of the navigation laws, not as an equivalent, but as tending, in some degree, to compensate them for the losses which they had sustained. The noble Earl says they have not petitioned Her Majesty for the restoration of protection; I think, my Lords, there is a very easy and natural solution of the difficulty. Petitions to Her Majesty have to go through the hands of the noble Earl, and he has to advise Her Majesty as to the answer she should give to their prayer. And I, for my own part, knowing as I do the opinions of the noble Earl upon this question, would think I was wasting my time if I were to petition Her Majesty, under such circumstances, for a restoration of protection, and for the imposition of a differential duty.

The case of the Canadians is peculiar. They have, as the noble Earl stated, laid out large sums of money, in which they were assisted by this country, for the purpose of completing a very extensive and important line of water communication to improve the circuitous route of the St. Lawrence, so as to have it chosen rather than the more direct route of the States.

Their interests are doubly concerned, as producers and as carriers, In the first capacity they are anxious for the readiest and cheapest conveyance for their produce: in the second, that that conveyance should be through their own territory, rather than through that of the United

States. The noble Earl speaks of a letter which he has received, and to which he triumphantly refers, by which it seems that the cost of carriage to Montreal or Quebec was considerably less than to New York, but that the whole advantage was neutralised by the extravagant demands of the British shipowners of Montreal and Quebec, who were enabled to charge whatever they pleased in consequence of the monopoly which the navigation laws gave them. I will not go into the elaborate calculations of the different parties to show the cost of transport. This opinion, however, has been strongly controverted, and great difference of opinion exists among those who have the best means of information. One set say that the difference is 9 cents, or 4½*d.* in favour of Quebec; the other, that the difference is 14 cents, or 7*d.* in favour of New York.

But what is the fact? Montreal is a port 180 miles above Quebec—a port upon a river which is frozen over five months out of the twelve—a port which is distant from London thirty-five days' sail, whereas New York is but twenty-five on an average—a port between which and Quebec the intervening space is is in some places exceedingly difficult of navigation, on which account there are heavy charges for pilotage and towage to be defrayed before entering on the ocean freight. I hold in my hand a return of the incidental expenses under that head, and I find that the expenditure, up and down, for those charges alone, exclusive of all others, amounted. upon a vessel of 350 tons, drawing fifteen feet of water, to 171*l.* 5*s.* It must be remembered that, after the month of July, the vessels, from scarcity of water, may have to be lightened of their cargo for a portion of the distance, which makes an additional expense of 10*s.* per ton. I regret to be obliged to weary your Lordships with these details, but as the noble Lord has laid particular stress upon the case of Canada, I am bound to answer his arguments. I contend that the experience of the past is the best argument to refute the position of the noble Earl. The ships of America will not enter the port of Montreal, choked up as it is for five months in the year, and to which at most they can make but two voyages from hence, when they have their own port of New York open all the year round, to which they have no difficulty in making four. And here is the proof. I will take the period of the year 1847, when competition was freely admitted. In that year there were exported from the St. Lawrence breadstuffs sufficient to load 220 vessels of 350 tons, or 77,000 tons; but how many foreign vessels do you suppose entered the St. Lawrence in that year, for the purpose of entering into competition with the monopoly of British shipowners? Why, twenty-two vessels, and of these twenty-one were Hamburghers and Bremeners, carrying German emigrants, who availed themselves of the opportunity to bring back cargoes. And it is stated in the petition which I presented from Quebec, that of these twenty-one, several went out in ballast refusing to take cargoes at the rate of freight at which British vessels were then loading. Only one American ship entered the St. Lawrence in that year, and she brought a cargo of American goods and returned with deals, and did not enter into the competition to which she was invited. It is my belief, if you grant this boon to Canada, that it will not hold out any inducement to the Americans to compete.

The noble Earl has alluded to what he termed one great authority. He alluded to a letter of Messrs. Holmes, Young, and Knapp, merchants, he says, of great respectability, who had complained that their trade had suffered in consequence of those restrictions in the navigation laws.

These gentlemen, two of whom are, I believe, natives of the United States, are among the minority who dissented fom the memorial of the Council of Montreal, praying for a renewal of protection; and in support of their opinions, they send a letter to Mr. Hincks, duly forwarded by Lord Elgin, showing that they had, in the preceding year, carried on a very profitable trade with the interior, in fish, crates, and other articles. Now in this case, at all events, if their profits were such as they represent them (on which I have heard some doubts expressed) it is clear that the navigation laws did not stand in their way. But they go on to say—

> "We have now an order for 250 tons of Scotch pig iron, but we doubt whether we shall be able to make a profit on it, for we find our hands tied and our efforts paralysed by the operations of the obnoxious navigation laws."

Now what on earth can these obnoxious navigation laws have to do with a shipment of 250 tons of Scotch pig iron in a British ship up the St. Lawrence? But I can tell you what can, and probably did, interfere with such a shipment—the imposition of a

duty of thirty per cent levied on the cargo by the Government of the United States. Those gentlemen express the greatest horror at the bare supposition that the loyalty of the people of Canada could be affected by any pecuniary considerations, and, alluding to a paragraph in a memorial by the Council of the Board of Trade, they repel with lofty indignation the idea—

"Of allowing the sentiment to go forth uncontradicted, that our loyalty to our Queen, and our attachment to British institutions and connexion, depend on the mother country taking what we would consider a retrograde step in the development of her new commercial policy. We trust the loyalty of the province depends on something loftier than a mercenary motive."

Such are the statements which the noble Earl rests upon when he says that a feeling of perfect loyalty to the Queen pervades the Canadian mind. I tell him to beware that he does not adopt any policy which may tend to diminish that loyalty; I will not now enter upon this most serious and alarming question, nor stop to return the warning of the noble Earl by telling him to beware, lest by abandoning all attempts to control a dominant majority in Canada, he should lay the foundation of deep-rooted discontent, disaffection, and disloyalty in the minds of a hitherto loyal and contented people.

Having said thus much, I will pass to the loyalty of Messrs. Holmes, Young, and Knapp. I hold in my hand a letter written by those gentlemen to their correspondent in this country, who has handed it to me, and who has empowered me to make what use I please of it. The letter is dated the 14th of March, 1849. It commences as follows:—

"Dear Sir—The feeling of annexation to the United States seems to be the most prevalent at present among our people; could the measure be brought peaceably and amicably about, there is not a doubt that three-fourths, if not nine-tenths, of the inhabitants would go for it."

Non meus hic sermo. This is not my authority, but the noble Earl's, for the state of feeling and the sentiments prevailing in Canada. The letter goes on to say—

"No country can expect to retain colonies under a free-trade system, unless allied to each other by contiguity, or for the purpose of mutual protection. The commercial system of the United States now offers more advantages to this province than any other within view; but to avail of it is impossible without the question of annexation being involved. Their system, as far as respects the internal affairs of the Union, is peculiarly isolated and selfish as regards other nations. Our people, being disappointed at their non-concurrence in reciprocal free trade in the native productions of either country, will not rest easy till it is brought about."

Then, with a dash under it come these word: "There is but one certain way to do it." Here then is the letter of the loyal friends and advisers of Her Majesty's Government in Canada—here are their North American authorities for the feelings of the British Canadians—men upon whose advice we are about to adopt measures for securing the attachment and affection of the people of Canada. And what does this authority tell you? Why, "that colonies and free trade cannot exist together; that standing where we stand, the mother country refuses us those advantages which the United States will not give us so long as we remain connected with the British empire; which America offers to us, but offers to us only upon one condition, namely, that of our ceasing to be British subjects any longer, and becoming citizens of the United States by means of annexation." The conclusion was inevitable, that connexion with that country could alone give them all the privileges they desired: and that loyalty must indeed be powerful which continues undiminished under circumstances of so great trial. But let me ask the noble Earl whether Canada is our only North American colony? The noble Earl said that the case of Canada must be taken in connexion with New Brunswick and Nova Scotia; but those very colonies have petitioned you, and have implored you not to repeal the navigation laws, because they were shipbuilding colonies, and were the places which supplied you with cheap ships.

EARL GREY: Nova Scotia has not petitioned.

LORD STANLEY: What I meant to say was, that the noble Earl said that the cause of Canada must be taken in connexion with New Brunswick and Nova Scotia; and I say that New Brunswick has petitioned the Imperial Legislature that the navigation laws may not be repealed.

EARL GREY: Yes, but not Nova Scotia.

LORD STANLEY: But I am bound to say, that even if, in consideration of the peculiar circumstances of Canada, you were to make an exemption in her favour, a measure might be easily framed to extend to New York and Quebec the same principle which you extend to various countries of Europe, namely, to allow the

ports of either of those countries to be indiscriminately ports for the export of the produce of either of them. No objection would be made here to such an extension of the principle, and it would meet the demands of Canada. I do not say that it would meet the difficulties under which that colony labours, because Montreal and Quebec cannot compete successfully with New York on the principle of entire and unlimited competition; and unless we allow them the protection of a moderate differential duty upon foreign corn, except it comes by way of our own colony, you will never be able to transfer the great tide of traffic from the Erie Canal to the St. Lawrence.

Great stress has been laid in this debate upon the petition from Jamaica in favour of the repeal of the navigation laws; but it should be remembered that that petition was passed under rather singular circumstances, namely, within the last few days of the sitting of the provincial Parliament, when, as your Lordships may be aware from your own experience, business is generally hurried through without that due care and deliberation which at other seasons it would be much more likely to command. This petition was carried in April, 1848; but it is somewhat remarkable that in October, 1847, only the year before, and again in October, 1848, later in the same year, Committees of the House were appointed to inquire into, and did enter into long and laborious investigations of, the causes of the distress of the colony; and, singular to relate, not a single suggestion was ever made by either of the Committees, or even attempted to be supported by any evidence taken before them, to attribute any portion of the distress of the colony to the navigation laws. In the last days of the Session the memorial passed; but the curious thing is, that it did not pray for a repeal of the navigation laws; but simply that the Jamaica ports should be made free ports, and that as they were deprived of protection, they should be free to choose British or foreign ships for the transmission of their produce. They did not ask for a repeal of these laws. They asked for their repeal as they related to Jamaica, but not as to Cuba. They naturally did not desire that cheap freights should be extended to Cuba and the Brazils, for they saw that, by doing that, they would be giving an advantage, and getting none in return. If the petitioners prayed for anything, it was to open the ports of Jamaica for the purpose of encouraging the recourse to them of vessels of different nations. With respect to the general question of freight from the West Indies, I will here take occasion to observe that, so far as my judgment goes, I am not at all disposed to believe that the effect of the repeal of the navigation laws will be in the long run to diminish the amount of freight. It would undoubtedly produce very considerable fluctuation. There would be a great flood of tonnage at one time, and a great scarcity of it at another—an evil which would of course be attended with very injurious consequences, and one from which, under the present system, we are happily secure; for the staple commodities of the West Indies being easy of calculation, the English shipowner finds no difficulty in proportioning his tonnage to the precise amount of commerce he may have to accommodate; while at the same time the certainty of a return freight enables him to carry out at very low rates the various supplies of which the islands stand in need.

Allusion has been made to the petition which was presented from Demerara, and I must confess that I do think the case of the petitioners appears to be a hard one. They complain that the measures of relief they applied for are peremptorily refused to them; but that what are intended for remedial measures are offered in the shape of a grant of money, and a proposition for the repeal of the navigation laws. With respect to the last proposition, they intimate that, so far from desiring it, they deprecate it in the strongest possible manner, being of opinion that it will not be a boon to the colony at all.

But what shall I say of the case of the island of Trinidad? Most assuredly if there ever was a case which required an explanation on the part of Her Majesty's Government, it is the case of that island. I hold in my hand the report of the proceedings of the Council of Trinidad, complaining of certain impediments and restrictions which they assert are imposed upon their commerce. What they mainly complain of is this, that not by the operation of the navigation laws, but by the operation of an Order in Council, which it was competent for the Queen to make or to revoke, they are prevented from carrying on a direct trade with Spain in Spanish ships, and with France in French ships, and that they are driven to the necessity of importing French and Spanish goods from the French and Spanish settlements

in the West Indies, with no advantage to British shipping, but to their own manifest detriment. Thus circumstanced, the colonists applied for relief to the Government at home; but what did they pray for? What they prayed for was not a repeal of the navigation laws, but a measure of relief, which it was competent for the Government to grant without any interference whatever with the navigation laws. The prayer of these petitions was that an Order in Council might be issued granting to all foreign ships the benefit of the 8th and 9th Vic. c. 88, so that all foreign goods might be exported direct into Trinidad in the ships of the country producing them. The Attorney General, in the discussion which took place in the Council, expressed a confident hope that the Home Government would accede to the prayer of the colony, observing that the reason why he did so was, that an acquiescence in the request of the petitioners would not involve any material interference with the navigation laws. Such was the sum and substance of the petition from Trinidad, and such were the express grounds on which its prayer was urged by the Attorney General; and yet we are seriously told by the Government the people of Trinidad have petitioned for a repeal of the navigation laws. But that is not all. In the same discussion it was openly stated, that "their Lordships, through their secretary, Mr. Porter, had recognised the validity of the complaint, but declined to take any steps until the general question of the navigation laws should come under consideration." Thus Her Majesty's Government purposely keep alive a recognised grievance, which they had the power of remedying, for the sake of bolstering up their case, and keeping up a feeling of excitement against the navigation laws.

Now, my Lords, having troubled you with these remarks upon the colonial part of the question, I turn to the arguments founded on our relations with foreign Powers. The noble Earl tells us that the navigation laws must be repealed, because certain threats have been made use of by Prussia and Russia, and because it is as yet uncertain what other threats may emanate from other quarters. My Lords, I am not very conversant with diplomatic usages, but I must say, that I do not remember to have read any document with feelings of such surprise as the circular addressed by the noble Lord at the head of the Foreign Department to the British Ministers at the various Courts of Europe. If it were desired to ascertain what were the views of each particular Court on this important question, it certainly does appear to me that the most courteous, the most judicious, and in every sense the best course that could have been adopted, would have been to have made a separate application to each Court, and to have written it in terms suited to the position in which each Court respectively stood in relation to ourselves. That, I think, would have been by far the wisest and most statesmanlike proceeding; but, instead of doing that, the noble Lord, I suppose to save trouble, lumps them altogether, applying precisely the same language to those countries which had adopted the most liberal and the most restrictive policy towards us.

The noble Earl applies, in precisely the same tone, and in identically the same language, to every Minister of every Court in Europe, and with what request? Why, to be informed, first, of that which he ought to have known, what were the restrictions to which that country subjected our commerce; and next, what course it would be prepared to adopt in the event of our taking certain steps in a certain direction. I must say, my Lords, that I am not in the least surprised that the noble Lord should have occasionally received some very tart and sharp replies to such an application. The answers he has received are, generally speaking, far from favourable to the project of the Government. Hardly any of them have said that they will reciprocate the policy the Government intended to pursue; and some have intimated, in no very courteous terms, that we may do as we please, but that they are determined not to do any thing at all. The answer from Austria was certainly couched in no very conciliatory terms, and did not betray any very friendly feeling. "You ought to know," they said in substance, "that we impose no restrictions whatsoever on your commerce; but you impose restrictions on ours; and now that you have reminded us of it, and raised the question, we must take the matter into consideration, and see what is to be done, in order to ensure a more liberal treatment at your hands." Such is the purport of the reply returned by the Court of Austria; and it certainly does appear to me that it would be difficult for the mind of man to conceive anything more infatuated or absurd than the course you have pursued. You have challenged all the Courts

of Europe to adopt a course of restriction and coercion, and you have provoked them to make inquiries which may terminate to your own disadvantage. We are told, however, that unless we are prepared to concede a full reciprocity, Russia has actually threatened the imposition of new restrictions at the expiration of a treaty under which we have enjoyed considerable advantages; and, it is added, that a similar threat is held out by Prussia. Now, I do not wish on this occasion to enter on the general question of reciprocity treaties. I will content myself with saying that at the time when Mr. Huskisson entered into them, I think they were wise and judicious concessions of that which we should have found it impossible to maintain. They gave, no doubt, advantages to foreign countries; but I believe they saved us from farther loss which we should otherwise have sustained.

But I am not inclined to attach much importance to the threats which appear to have produced such dismay in the mind of the noble Earl. I do not think that Russia or Prussia will carry their threats into execution, simply because I know that the treaties they threaten to terminate are productive of much greater benefit to themselves than to us. Countries in their commercial transactions with each other are generally swayed by those considerations which each believes will in the long run prove most advantageous to itself; and we seldom find that any country, our own excepted, will commit itself to any course of conduct, unless with the conviction that it will prove eventually beneficial to its own interests. That Russia and Prussia will be governed by such considerations in their negotiations with us, I have not the least doubt. The reciprocity treaty into which we entered with Prussia, has resulted very much more to her advantage than to ours. It has been stated by my noble Friend on the cross benches (Lord Wharncliffe), that, before the year 1824, our traffic in the Baltic had diminished. I think my noble Friend is in error. It is possible that the percentage increase of the tonnage of the Baltic Powers might have been greater than ours; but unless I am much mistaken, during the eight years preceding the ratification of the reciprocity treaty, the tonnage of the four Baltic nations had increased only 30,000 tons, whereas our tonnage had increased 50,000 tons; but since the reciprocity treaty, the increase in their tonnage has been enormous, while ours, instead of increasing, is actually falling off. Before the reciprocity treaty, the British tonnage engaged in the trade with Prussia was 94,000 tons. It has now fallen off to 49,000 tons, being a diminution of 45,000; whereas the tonnage of Prussia has increased, during the same period, from 151,000 to 256,000 tons, being an augmentation of no less than 105,000 tons. And yet we are told that unless the navigation laws are repealed, Prussia will be so blind to her own interest as to terminate a treaty which has enabled her so largely to increase her trade. Does Prussia gain no equivalent for that which she concedes to us? Why, it is under that very treaty only, which it is said she will abandon, that she has the right of importing produce hither from the Weser and the Elbe, the mouths of these rivers not being within Prussian territory, her own ports, to which she would otherwise be limited, being of an inferior character, and accessible only to smaller vessels. To those ports, if she abandon the treaty, her ships will be confined, and be driven from the Weser and the Elbe. I ask you whether you think it likely that Prussia will make such a sacrifice of her own interests, for the purpose of injuring your commerce?

But supposing Prussia to be in earnest in her intention to abrogate the treaty, surely the most rational course for England to pursue would be to say, "Come, now, let us talk the matter over; let us see what concessions you require; let us hear what concessions you are prepared to make in return." Such a course is the one which would have been recommended by every consideration of justice and common sense; but Her Majesty's Government, instead of acting in such a manner, threw themselves at once into the arms of the hostile party. The moment the threat was uttered, they exclaimed, "We will stipulate for nothing—we will negotiate for nothing; you shall have your own terms—the direct and indirect trade we surrender to you—you shall have our colonies—you shall have everything." They acted about as wisely as an officer would act, who being in the possession of a fort, and the enemy giving notice of the termination of an existing armistice, should not so much as endeavour to enter into terms of capitulation, but even before being called on to surrender, should decamp at night, leave his arms, ammunition, baggage, and all behind him; and when the enemy had

taken possession of the abandoned fort, should expect that advantageous terms should be granted to him, and threaten otherwise to retake the fort. Just similar is the threat that, in the event of foreign countries refusing to reciprocate our generous policy, we shall reserve to ourselves the power of retaliation.

My Lords, I am far from undervaluing the indirect trade of this country. In itself it is a great advantage. But in entering into reciprocal engagements for the indirect trade, there is one great consideration, which seems wholly to have been overlooked by Her Majesty's Government, though it was not lost sight of by Mr. Huskisson. Mr. Huskisson, I think, properly described the policy of the navigation laws, when he said—

"Our navigation laws have a twofold object. First, to create and maintain in this country a great commercial marine, and secondly (an object not less important in the eyes of statesmen) to prevent any one other nation from engrossing too large a portion of the navigation of the rest of the world. Acting upon this system, the general rule of our policy has been to limit as much as possible the right of importing the productions of foreign countries into this country, to ships of the producing country, or to British ships." * * * * "The motives for adopting that system were, first, that such portion of the carrying trade of foreign countries as does not devolve to British shipping, should be divided as equally as possible among the other maritime States, and not enjoyed by any one of them in particular; and, secondly, that countries entertaining relations of commerce with this country, and not possessing shipping of their own, should export their produce to England in British ships only, instead of employing the ships of any third Power."

In pursuance of this sound and wise policy, he entered freely into reciprocity treaties to regulate the direct trade, but he reserved in his own hands the control of the indirect trade, in order not to give to other nations, America, for instance, such an advantage as might enable her to become at some future period what the Dutch were once, the monopolisers of the carrying trade of the world. If you enter into direct reciprocity treaties with various countries, with some you may be a gainer, with others a loser; but your gain or your loss is confined to the trade with that country; but enter into reciprocity treaties for the indirect trade, and if there be one nation which can build and sail cheaper than yourselves, that nation becomes your successful rival in every sea and every port, and thus has an opportunity of obtaining that preponderance of naval power which it was the object of the navigation laws to prevent any other nation from acquiring. The noble Earl at the head of the Colonial Department seems at a loss to understand what good results from the prohibition of the importation into this country from the ports of Europe, of the products of Asia, Africa, and America, and the advantage which will accrue from retaining in our hands the colonial carrying trade. Now, in the first place, let it be recollected that our colonial trade employs 1,770,000 tons of shipping. That amount of shipping is ours without dispute or controversy. No one can interfere with it. But, then, the noble Earl asks, why should we not do away with the long voyages, and permit the importation of African, Asiatic, and American produce from the ports of Europe? I reply, for this reason: No goods, the produce of Asia, Africa, or America, can be imported here, except from Asia, Africa, and America. Consequently, we import the whole of what we require from those countries for our own use; and as we are the largest consumers and the best customers in the world, the effect of the restriction in question is to send the great bulk of the foreign produce first to you, and to force the smaller Continental markets to receive it by driblets and in detail. They cannot afford to carry the produce in question by wholesale, unless they can forward to our markets what they cannot consume in their own. Abolish the present system, and you permit your rivals—the Dutch, for example—not only to compete with you in your own markets, but to establish for themselves that great warehousing system which we find so profitable.

I will not trouble you with any statistics—nor is it my intention to attempt any controversy respecting the various tabular statements which have emanated from the Board of Trade; but, viewing the question merely as a matter of principle, I would implore of your Lordships seriously to consider the effect upon this country, and upon its population, if the measure you are about to adopt should unfortunately have the effect of weakening or impairing our commercial marine.

It appears to me that it is wholly impossible to exaggerate the importance of keeping up the private shipbuilding yards of this country in their present number and efficiency. The number of shipwrights and other artisans employed in the Royal

dockyards does not exceed 5,000, whereas the number employed in the private shipbuilding establishments amounts to no less than 80,000. Diminish that number, and tell me where, in the day of sudden emergency, in the time of war, we are to find ships to supply the wants of our Navy? It was stated by Mr. Pitt that between the years 1790 and 1801 only two men-of-war were built in the Royal yards, whilst twenty-two were built in the private yards; and that great statesman always expressed the highest opinion of the value of those private yards. Often and often has it happened that the private shipbuilding yards of this country were the resource to which, for the preservation of your naval supremacy, you were obliged to fly. But transfer the work, or a great portion of the work, now executed in them to foreign yards, and tell me if you do not strike a deep blow at the very root of the naval strength of your country? But yet to transfer that employment, to encourage the labour of foreign shipwrights, must be one of the objects of the Bill. It is a measure which offers to the merchants of this country, as a boon, mind, and in compensation for the competition — the unprotected competition—to which they will be exposed, the privilege of building in and buying from foreign dockyards, on the assumption, of course, that in these dockyards they can build cheaper ships than they can do at home. If this be not the case, why, the boon is no boon to shipowners at all. But the Government assumes that our merchants and shipowners can and will build in foreign dockyards; and the result must of course be, that every ship built abroad, under this Act, diminishes the amount spent in British labour—and in British labour of that class which is by far the most valuable to the naval and maritime power of this country.

Let us pause for a moment to consider what we are about to do. The present law requires that our ships shall be British owned and British built, manned by British seamen, sailed under a British flag, and with a British register. We are going to do away with the advantages which the British shipwright possesses. We are not about to stipulate with the United States, that our shipbuilders in the North American colonies shall have the privilege of building for the United States. They are wiser than we, and they say, "we will give you no such thing." But having first sacrificed our shipwrights to enable the shipowners to meet the competition of foreigners—when we have done that, and exposed the shipowners to competition, not only in our direct and indirect, but also in our colonial trade, that is, the trade between one British port and another, we impose upon them the restrictions of carrying British crews, of providing more expensive victuals, and all the other restrictions and expenses attendant upon our maritime regulations. What temptation, under this state of things, has the British merchant to sail under the British flag at all? He submits now to expenses and restrictions, because he has, in return, the monopoly of our colonial trade, and advantages in certain foreign ports; but we are now about to take away all those benefits, and retain all the restrictions and disadvantages. He will, as a matter of course, sail under some neutral flag, and not seek for a British register. He will sail under a foreign flag, and reap all the advantages which he has now as a British shipowner, and get rid of all the disadvantages. I am not speaking loosely or without authority on this subject. We examined before the Committee an enterprising and intelligent merchant who was about to set out to the South Sea in order to restore the whale fisheries, once a most important trade, but now, as regards us, wholly extinct. With regard to that trade, I must trouble your Lordships with a few figures to show the relative progress made by ourselves and the United States. From 1834 to 1845, the Americans increased their ships in this trade from 40 to 732; and as those ships averaged thirty men a-piece, they thus employed 21,900 American seamen. The American produce was increased from 35,000 tons to 43,000 tons in 1845; the money value of which was 1,420,000*l.* The British produce imported in 1821 was 24,000 tons; but in 1845 it had fallen off to 5,500 tons, as against 43,000 tons American. The value of our produce was 2,490*l.* as against the 1,420,000*l.* American. The man who shall restore that trade to this country will confer upon her a great boon, and he will raise up a large body of British seamen, and add much to the wealth and resources of the empire.

Mr. Enderby having obtained from Her Majesty's Government a grant of the Auckland Islands, was on the point of going out with this praiseworthy object in view; but he told the Committee that if the navigation laws were repealed (as there seems

every prospect that they will be, unless the prudence and wisdom of your Lordships should prevent it) the company with which he was connected, instead of building, manning, and sailing British ships, would buy Norwegian ships, man them partly with Norwegians and partly with South Sea Islanders, and sail them under some neutral flag. The result would be that this could only then be considered a British trade, inasmuch as it would be carried on with British capital, and the only amount that could have the chance of being expended in this country would be the profit which went into the pocket of Mr. Enderby. Instead of employing British ships and British seamen, and expending the whole cost of the fitting-out for the benefit of this country, it would all go to encourage foreign shipbuilding and to foster foreign seamen. This is the course you are gratuitously about to adopt. Why will Mr. Enderby take this course? In the first place, he will build, or he thinks he will build, his ships cheaper—he will sail his ships cheaper—he will victual them cheaper—and when he gets to his station in the South Seas he will not be liable to have a British man-of-war alongside, asking if any of his crew are disposed to enter into Her Majesty's service, and compelling him to pay wages to those who desert him at the very moment when their services are most required.

Nor is Mr. Enderby's a solitary case. I received the day before yesterday a document signed by twenty of the principal shipowners of the port of Leith; and I have seen similar communications signed by thirty shipowners from Glasgow; by a like number from Port Glasgow; and by a considerable number from St. Andrews; all apprising me that, if the navigation laws be repealed, their first move in the way of self-interest will be to give up the British register, and to sail under foreign colours. Now, my Lords, that is the course which you are gratuitously calling on Parliament to sanction. You are doing it against the sense of the country. You are supporting the views of a majority of the House of Commons, which has dwindled down before the expression of public opinion in this Session to half the number it was in the last Session; and I take leave to say that of the members of that majority a considerable number do not represent the feelings and views of their constituents, as many of them will find out when, sooner or later, that dissolution of Parliament shall take place, to which the noble Earl looks with so much alarm.

I have to express many apologies to your Lordships for trespassing at so much length upon your time, but I feel the importance of the question to be so great that I could not abstain from thus going through a portion of the arguments—for it is only a portion—on which my opposition to this piece of crude legislation is founded. The noble Earl has alluded to the state of the country, and he says, "Beware how you again raise the question of different classes, and array them against each other." My Lords, it is not we that have raised that question—it is not we that arrayed one class against another. On this occasion, at all events, your Lordships will exercise an independent judgment, for there is not, I should think, a man here who has a particle of pecuniary interest in the question about to be decided. If we are fighting for the interests of any one class, it is at least a class with which we have no connection. If we are fighting for the interests of any class, it is one by supporting which we are maintaining the prosperity, the independence, and the stability of the empire at large. It is not for the wealthy, it is for the humble labourer and mechanic, that we strive. It is because I believe that it will be greatly to their injury that I am thus earnest in imploring your Lordships to reject this mischievous Bill. For let the event be what it will, let not any of your Lordships delude yourselves with the idea that it is a matter of indifference to this country whether our commerce is carried on in British ships or foreign ships.

I have had papers put into my hands, showing me the distribution of the earnings of a ship returning, we will say, to the port of Liverpool, with a freight of 4,000*l.* Of that sum considerably more than half, 2,500*l.* is distributed in wages, provisions, stores, repairs, dock dues, and other expenses in this country, in the employment of British labour. Of the 4,000*l.*, only 1,500*l.*, or even less, remains as profit to the British shipowner; and that profit itself, in nine cases out of ten, is again invested in the same trade, and, in one form or other, contributes to the employment of more British labour. But when a foreign vessel comes into our docks, what happens? She pays dock dues—that she cannot help; but she pays no wages; she purchases no stores; she never repairs or refits in a British dock when she can by any possibility prevent it; but returns to her own

country with at least 3,500*l.* which quits this land, and is not in any way applied to the encouragement of British industry. This is not, then, a question only of the wealthy, or of a great national interest, but it is—and to that I am always most anxious to look—a question of paramount importance and national interest in another sense, because it involves the furnishing of means of employment to the working classes.

I hold that the abolition of the navigation laws is a question entirely separate from that of free trade. I wish as fervently as the noble Earl that none of the animosities that marked that question may arise out of this; but he is much mistaken if he thinks that the vote of to-night, if your Lordships pass the second reading of the Bill, will settle the question. He is much mistaken if he thinks this Bill will be the end-all and be-all—that the British merchants, the British shipowners, the British seamen, and the British mechanics, will be satisfied with a Bill passed by a bare majority of this House, under pressure such as I never heard of before, and menaces such as the noble Marquess thought it becoming in him to throw out to your Lordships. But the question will not be settled by the vote of to-night, unless you should happily reject the Bill. It was the complaint of the greatest general in the world (except one), of the greatest opponent this country ever had, that the British troops never knew when they were beaten; and the general result was that, in the end, they were seldom, if ever, beaten. The people of this maritime country will never know when they are beaten. Although for a time this Government may sacrifice their best interests, and the interests of the whole empire, they will renew the struggle again and again, not for their own protection, but for the maintenance of our naval power, and the promotion of our mercantile interests.

And, my Lords, the mention of that greatest general, of that illustrious man, makes it impossible for me to forbear, on this occasion, the expression of my deep regret, that adherents as attached, troops as staunch, and hearts as devoted as ever bled under his command, and died on the field of battle to raise him to the highest pinnacle of glory, should now, while struggling in another field for the maintenance, not only of the honour and glory, but the existence of this country—now, while fighting for principles which I will not but believe that the noble Duke in his own heart approves, be chilled and saddened by finding him, to whom they still look up with admiration and reverence, standing coldly aloof from their exertions, or even casting the weight of his mighty name and influence into the ranks of their opponents. Whatever course may be pursued by my noble and gallant Friend, no man, and I least of all, will venture to speak of it in terms of censure; but we who suffer may be allowed deeply to deplore what we believe to be the fatal error of that course. Let not my noble and gallant Friend—let not any of your Lordships flatter yourselves that this question once disposed of, the wall of partition, which was unhappily built up a few years ago, will be at once thrown down and leave no trace behind, no obstacle to our political reunion. My Lords, this cannot be. We may deplore our separation from our friends with whom it was once our pride politically to act; we may lament the prevalence, by their support, of principles which we think dangerous and fatal; but in those principles and the adoption of this course, which we believe ruinous to the country, we cannot, we dare not, we will not acquiesce. We will seek to bring this country yet to a sense of its danger; and if there be among your Lordships any who fear a reactionary feeling with regard to your late legislative measures, let those noble Lords be sure no course they can take will be so likely to facilitate and strengthen that reaction as the passing of this fatal measure, because to the farmer, to the colonist, and to the various interests who feel themselves aggrieved and oppressed by your recent legislation, you will add yet another class, and that a most important one, and one most dear to the national feeling. The shipping interest will be necessarily led to associate with their fellow-sufferers, and combine in united efforts to obtain for each that protection to which they think they are justly entitled.

My Lords, I do not advise that course, but I tell you that it will take place—naturally, necessarily take place. I may not look with much fear to the consequences of it, but I do look with fear at the consequences of your passing this measure at this time, repealing at once, and without further consideration, the whole of that great system which has become part of our national existence, and that without securing from any foreign nation the assurance that they will recipro-

cate even if they could—which they cannot, for they have no colonial possessions to compare with yours—the advantages they may obtain from us.

My Lords, I have now done. I have addressed to your Lordships all which at this hour I feel justified in saying; but I cannot conclude without expressing the deep anxiety—the deep alarm—which I feel at the possible result of your Lordships' decision. I await it with fear, because I believe the destiny of the country hangs upon it; and I can only pray that that Almighty Providence, who has hitherto raised this nation to the proudest heights of eminence and prosperity, and blessed it with unnumbered blessings—that He who, as we are taught, rules the hearts of kings, and sways the councils of legislatures often times to far different ends and far different conclusions from thnse which the legislators themselves anticipated—that He, in this awful hour of our country's fate, may direct your Lordships' judgment and decision to that course which may be most conducive to the safety, honour, and welfare of our Sovereign and Her dominions, and to the maintenance of the great fabric of that mercantile and commercial navy which, essential as it is in itself for supplying the many wants and comforts of this great people, is indirectly of still more vital importance in supporting and upholding that great Navy—that maritime strength of the country, on which, under God, depends, not the wealth alone, not the greatness, not the glory, but the independence, the station in the scale of nations, the very existence of this hitherto mighty empire.

The MARQUESS of LANSDOWNE, in reply, said he would not detain their Lordships by replying at any great length to the speech of the noble Lord who had just sat down, or to the other speeches during the debate; but there were some observations made by the noble Lord who spoke last, which called, and called emphatically, for remark. That noble Lord in the course of his speech had made reference to what he was pleased to term "menaces"—["Hear, hear!"]—yes, menaces. He now called upon that noble Lord to prove the charge—to state where and in what language they had been made. Yes, the noble Lord said "menaces." There was a general curiosity throughout the House to know where these menaces had been uttered, whether in public or in private—whether openly or in secret, and he (the Marquess of Lansdowne) was all attention to hear the solution of this extraordinary assertion. By and bye he heard his own name alluded to, and he immediately perceived that this extraordinary—this unconstitutional "menace" was a simple declaration made by himself, in reference to a declaration made by the noble Lord himself. He took upon him to say, upon his honour, that he never would have uttered it if the noble Lord had not first set him the example. Some days ago the noble Lord came down to that House, and said, manfully—he (the Marquess of Lansdowne) might say somewhat ostentatiously—the noble Lord came down to that House and declared that for the consequences of the vote which might be given on this measure he was prepared. On a subsequent day, he (the Marquess of Lansdowne) humbly ventured to state in a single sentence, that if the noble Lord was prepared for the consequences of a victory upon this question, he (the Marquess of Lansdowne) was prepared for the consequences of a defeat. That was the unconstitutional "menace" unheard of in the annals of Parliament; or rather, that was the simple declaration which the noble Lord, with an excess of exaggeration, had been pleased so to describe. After the declaration made by the noble Lord—unnecessarily made by the noble Lord—but made no doubt for the purpose of influencing the votes, because with such an appeal to individuals as he made, some might not dare— [*Cries of "Oh, oh!" from the Opposition benches.*] He was in the recollection of the House. The noble Lord said, "I hope no man will fear to do his duty." He (the Marquess of Lansdowne) understood, and the House understood, the meaning of these terms, and the intention of them. He should have felt it a dereliction of his duty to have left the House and those who honoured Her Majesty's Government with their confidence in ignorance of the importance attached by Her Majesty's Ministers to the vote upon this question. He had now sufficiently explained the menaces alleged by the noble Lord to have been made. He had now finished with that; and, as he had promised, he would be as short as possible in touching on the general question. He would turn to that on which the noble Lord had dwelt so much, to the petition received by the House, and laid upon the table. He thought the noble Lord acted a part hardly worthy of him, when he attempted to infer so much from a petition

which he (the Marquess of Lansdowne), in the ordinary exercise of his duty, simply laid on the table, and which he laid upon the table without attaching any extraordinary importance, and without calling the attention of the House to it. The noble Lord, however, immediately went and counted the names on that petition, and he miscounted them, that he might have the magnanimous part of admitting that he had miscounted them by mistake. The noble and learned Lord, however, accused Her Majesty's Government of having brought in this measure for the purpose of gaining popularity. This was the most extraordinary mode ever resorted to by a Government seeking for popularity. The noble and learned Lord spoke of a pressure from without; but whether the pressure was from without or elsewhere, Government was aware, on proceeding with this Bill, that a certain current of popular feeling ran unfavourably to this measure; but while he said that, he was well aware, and their Lordships would confirm it, that Government would not do its duty if, seeing a danger approaching, they should not take measures to avert it, even contrary to popular feeling. Now, speaking of the petition, and of the number of names, which the noble Lord alluded to as a mark of the feeling of the country in regard to this measure—he wished the noble Lord, if he did not mean to take the sense of the country upon it in the usual way, to look at the persons who had voted for this Bill. The noble Lord said that in all the ports, especially the outports, popular feeling was against it. Well, he had looked at the Votes of the other House of Parliament, unwilling though he always was to refer to that House, or the names of Members in that House, and he had found that of those representatives of ports and outports, there voted against this Bill 13, and for it, being Members for outports, 41. Why, then, if he was totally in error in supporting this measure, still he was countenanced in his error by that majority of Gentlemen representing ports of the united kingdom. He had the satisfaction of knowing that even if the feeling against them was quite general, yet the most intelligent in the country were in favour of the measure. All that the noble Lord could do with those Gentlemen to whom he had referred, was to "menace" that they should not be re-elected in the event of the dissolution of Parliament, which the noble Lord evidently did not wish, though he had alluded to it for the purpose of "menacing" those Members of Parliament, if they should presume to vote against the opinion of the noble Lord. He now came to review some other points occurring in the debate. On the general question, he would only observe that the noble Lord, the whole of whose speech, or at least the greater part of it, was directed to establishing the beneficial effects and the complete success of the navigation laws as they now stand, before he sat down was compelled in two most important points to intimate his expectations of the necessity of relaxing those laws. He was extremely astonished, because with the navigation laws any relaxation as the noble Lord called it—but he did not mind relaxation, he was opposed to repeal only—any relaxation was to that degree the repeal of them. The noble Lord had contended that Canada would by this Bill be placed in the position of asking for more; and not only Canada, but other colonies, would have a right to say, "Why all this favour to Canada? Why should not the same privilege be granted to this island?" and so the noble Lord went on from one supposed concession to another, and after all coming to the very conclusion which the Government themselves had arrived at. Now, he (the Marquess of Lansdowne) stated his deliberate opinion now, as he had stated it before, that it would be more advantageous to this country—more advantageous to the merchant and shipowner—more advantageous to the commerce of the country, that this question should be settled on a broad and intelligible ground, rather than that it should be dealt with bit by bit; and to the perpetuation of that farrago which the noble Lord on the cross benches had so ably exposed—that farrago of anomalies and inconsistencies which it was the intent and object of the noble Lord to propose and uphold, in addition to the confusion which already existed. With respect to our relations with Europe, the noble Lord said that we ought to wait for other nations to declare their intentions not to renew their treaties with us; and the noble Lord appeared to indulge some faint hope that possibly some of these countries might not decline to continue their relations with us on the same footing as at present. He would ask the noble Lord whether there was anything in the papers—not in any answers to the circulars of the Board of Trade, but in the public documents of Europe—which afforded the

noble Lord the slightest foundation for saying that those countries would so continue their relations with us? He appealed to any noble Lord whether we were now in a position in which we could stand. We were in a situation in which the ground was slipping away from beneath our feet; and was it not the part of wise men to anticipate the conjuncture—to yield while they could with grace—to yield while they could with dignity—and not yield, as the noble Lord proposed, step by step until the whole system was given up? He believed that the sounder, better, and more dignified policy was that proposed by the Government, which had the advantage of letting the public know, and of letting the shipbuilder know, what he had to expect, and what exertions it was necessary for him to make. The noble Lord had brought forward a very singular example in illustration of his principles, in the case of Mr. Enderby and the South Sea whale fishery; appearing to forget the fact that that fishery had been lost under the old law. As to the reciprocity treaties, which the noble Lord regarded with approval, those treaties did not, he thought, meet with much favour now in that House, and they contained the power of extension, so as to cause constant demands of being put upon the footing of the most favoured nations. The object of the noble Lord was to keep out foreign ships; but the object of every one of those treaties which the noble Lord approved of was to bring in foreign ships. Every duty taken off brought another ship into our ports. Their Lordships had been told by a noble Earl, that it was useless to conclude these treaties, and seek to conciliate foreign countries, because there existed throughout Europe a rankling jealousy of this country which would always make other nations unwilling to enter into these treaties. But upon what, he would ask that noble Earl, did that jealousy rest? If the cause was to be inferred from the uniform language held on the Continent—always in one and the same strain—it was this, that foreigners considered that the commercial policy of England was grasping, and that her object was to keep down the commerce of other countries. Therefore he contended that if it were really wished to overcome that prejudice, and to furnish the friends of England with an argument in opposition to those who disparaged her policy and depreciated her councils, the very best argument that could be furnished would be a practical measure which proved it to be her wish to promote prosperity throughout the world. In the course of the debate, he had watched attentively to see whether the ground on which alone his opinion of the wisdom of this measure could be invalidated, could be maintained by sufficient arguments, namely, that this Bill would interfere with the mercantile and maritime resources of the country. He confessed that he had been disappointed in finding any. The noble Lord, however, had contended with some plausibility that it would interfere with the warehousing system. Now, if there was one measure more likely than another to promote the warehousing system, and to benefit the warehousing interest, he believed it would be found in this Bill. All articles which could be imported in foreign ships, would, under its operation, be warehoused in this country; but at present those which could not be imported in foreign vessels were carried to other countries. In short, the benefit of the warehousing system was one of the greatest arguments that could be urged in favour of the Bill. The noble and learned Lord opposite (Lord Brougham) had contended there was no relation between this Bill and free trade. In his (the Marquess of Lansdowne's) view, there was a very intimate connexion between them, and the measure was designed to finish and perfect the free-trade principle. He now came to the last accusation which had been made against the Government for proposing the present alteration in this law. The noble Lord said it had been done upon a sudden, and without deliberation. That was a most unfounded accusation. Why, within a few months after the Government had been formed, his noble Friend then President of the Board of Trade (the Earl of Dalhousie)—no mean authority upon this subject—saw the impossibility of maintaining the navigation laws. He brought the subject under the consideration of the Cabinet; by the Cabinet it was again and again considered; by the Cabinet it was, not this year nor last year only, brought before the House of Commons. By the House of Commons it had been finally voted; yet now, after between two and three years' deliberation, with two Committees of Inquiry, and with successive votes and decisions, the noble Lord came down and told their Lordships that the Government were passing this Bill in a hurry. He told the noble Lord that no measure had ever been passed with more deliberation. In this respect at least Her Majesty's Government must stand ex-

cused. But they would not stand excused for having proposed it, if they thought there would be any danger of its compromising our commercial or naval power. But they did not, and could not, apprehend any such consequences. And notwithstanding all the ingenious deductions of the noble Lord—notwithstanding all the statistical statements brought forward upon one side and disputed by the other—there remained untouched the fact, which to him was most significant and most convincing, namely, that in the direct unprotected trade with the United States of America, for twelve or fourteen years past, the shipping of this country had been continually increasing. With the prevailing competition in trade, the diminution of wages, and the reduced cost of materials, he could not doubt that the British shipowner and the British seaman would derive vast and substantial advantages from the change which was now submitted for the acceptance of the House. From that conviction—that firm conviction—he should not be swerved by anything he had heard in the course of this debate; and as the noble Lord had challenged him, he would add that he was willing to abide by all the consequences.

On Question, That "now" stand part of the Motion,

House divided:—Contents, present, 105; Proxies 68; total, 173:—Non-contents, present, 119; Proxies 44; total, 163: Majority 10.

[The Lists which have been circulated on this occasion are imperfect and uncertain: those Peers marked thus * are omitted from some Lists.]

List of the CONTENTS (*including* PROXIES).

DUKES.
Argyle
Bedford
Devonshire
Grafton
Hamilton
Leeds
Leinster
Norfolk
Roxburgh
Somerset
St. Alban's
Sutherland
Wellington.

MARQUESSES.
Anglesey
Breadalbane
Bristol
Clanricarde
Donegal
Headfort
Lansdowne
Normanby
Northampton
Ormonde
Sligo
Westmeath
Westminster.

EARLS.
Aberdeen
Besborough
Bruce
Burlington
Carlisle
*Cawdor
Cowper
Clarendon
Craven
Camperdown
Cork
Clanwilliam
Charlemont
Chichester
Cornwallis
Derby
Devon
Denbigh
De Grey
Ducie
Essex
Effingham
Errol
Ellesmere
Fitzwilliam
Fortescue
Fitzhardinge
Fingal
Grey
Granville
Gainsborough
Glasgow
Gosford
Howe
Home
Kingston
Kenmare
Liverpool
Leitrim
Lovelace
Leicester
Minto
Meath
Morton
Morley
Oxford
Pembroke
Radnor
Rosebery
Ripon
Suffolk
Scarborough
Spencer
St. Germans
Sefton
Strafford
Thanet
Uxbridge
Waldegrave
Yarborough
Zetland.

VISCOUNTS.
Bolingbroke
Canning
Falkland
Hardinge
Hawarden
Massareene
Melbourne
Ponsonby
Sydney.

LORDS.
Auckland
Audley
Abercromby
Ashburton
Arundel
Beaumont
Belhaven
Byron
Camoys
Carew
Carrington
Crewe
Cowley
Cloncurry
Cottenham
Colborne
Campbell
Cremorne
Dacre
Dorchester
Dinorben
Denman
De Mauley
Dunfermline
Dunalley
Dormer
Erskine
Eddisbury
Elphinstone
Foley
Glenelg
Godolphin
Howard de Walden
Holland
Howden
Hatherton
Keane
Kinnaird
Lyttelton
Langdale
Leigh
Lovat
Monson
Montford
Monteagle
Milford
Mostyn
Poltimore
Portman
Rossmore
Sudeley
Stanley of Alderley
Stuart de Decies
Suffield
Saye and Sele
Stafford
Stourton
Talbot de Malahide
Vaux
Vernon
Wharncliffe
Wodehouse
Wrottesley
Wenlock.

ARCHBISHOPS.
Canterbury
Dublin
York.

BISHOPS.
Durham
Hereford
Manchester
Norwich
Oxford
Peterborough
Ripon
St. David's
Salisbury
St. Asaph
Tuam

List of the NON-CONTENTS PRESENT.

DUKES.
Athol
Beaufort
Buckingham
Cleveland
Manchester

Marlborough
Montrose
Newcastle
Northumberland
Richmond.

Talbot
Verulam
Winchilsea
Warwick
Wilton.

VISCOUNTS.

Canterbury
Combermere
Exmouth
Gage
Hereford
Hill
Lorton
Midleton
St. Vincent
Strangford
Sidmouth.

MARQUESSES.

Ailesbury
Ailsa
Downshire
Ely
Exeter
Hertford
Huntley
Londonderry
Salisbury.

EARLS.

Aylesford
Beauchamp
*Balcarres
Bandon
Chesterfield
Cardigan
Cadogan
Caledon
*Cawdor
Charleville
Dartmouth
Delawarr
Darnley
Desart
Enniskillen
Erne
Egmont
Eglintoun
Ellenborough
Ferrers
Falmouth
Glengall
Harewood
Harrowby
Jersey
Kinnoul
Lonsdale
Longford
Lucan
Mansfield
Malmesbury
Manvers
Mountcashel
Nelson
Orford
Orkney
Pomfret
Roden
Romney
Rosslyn
Rosse
Sandwich
Stanhope
Stradbroke
Seafield

LORDS.

Abinger
Braybrook
Bayning
Bolton
*Brougham
Boston
Blayney
Clarina
Crofton
Castlemaine
Colchester
De Ros
Douglas
De Lisle
Downes
Feversham
Forester
Grantley
Gray
Kenyon
Lyndhurst
Polwarth
Rayleigh
Rollo
Redesdale
Sondes
Stanley of Bickerstaffe
Saltoun
Skelmersdale
Southampton
Sandys
Tenterden
Templemore
Walsingham
Willoughby d'Eresby
Wynford.

BISHOPS.

Bangor
Carlisle
Cashel
Exeter
Rochester
*Winchester.

List of PROXIES.

DUKE.

Rutland.

MARQUESSES.

Drogheda
Waterford
Winchester.

EARLS.

Abergavenny
Airlie
Abingdon
Beverley
Brownlow
Buckinghamshire
Carnarvon
Crawfurd
Cathcart
Eldon
Guildford
Hardwicke
Huntingdon
Leven and Melville
Limerick
Mayo
Macclesfield
Onslow
Poulett
Powis
Ranfurly
Shannon
Selkirk
Tankerville.

VISCOUNTS.

Doneraile
O'Neill.

BISHOP.

Bath and Wells.

BARONS.

Berwick
Colville
Clinton
Clonbrock
Delamere
De Saumeraz
Farnham
Middleton
Northwick
Rodney
St. John
Sinclair
Sherborne.

Paired off.

AGAINST.	IN FAVOUR OF.
Lord Bagot	Lord De Freyne
Viscount Maynard	Bishop of London
Earl of Digby	Lord Churchill
Earl of Lauderdale	Marquess Conyngham
Bishop of Gloucester	Bishop of Worcester
Viscount Beresford	Lord Ward
Bishop of Llandaff	Lord Rivers
Earl Somers	Earl of Wicklow
Earl Bathurst	Marquess of Abercorn
Earl of Munster.	Viscount Clifden.

Resolved in the *Affirmative.*

Bill read 2ª accordingly, and committed to a Committee of the whole House.

House adjourned to Thursday.

PROTEST AGAINST THE SECOND READING OF THE NAVIGATION BILL.

DISSENTIENT—

1. Because the navigation laws are founded in justice and sound policy, have been proved by long experience to be eminently beneficial, and are essential to the maritime superiority of this country, and, therefore, to its insular defence.

2. Because the national defence, which is admitted to be imperfect, and which excites so much attention and anxiety, could not be effectually secured without encouraging the employment and protecting the rights of British seamen, and, consequently, without preserving in their full extent the principles of the navigation laws.

3. Because national independence is of paramount importance, and ought not to be endangered from any considerations of pecuniary advantage which might be expected to arise from the proposed alteration of those laws.

4. Because any pecuniary advantage which might accrue to some classes of the community from the proposed measure would be attended with great loss to many other classes, with manifest injustice to them, and with incalculable injury to the national welfare.

5. Because the shipping interest, and all the various classes which are dependent upon it for

support, would be grievously injured by the proposed measure, by which a large and most valuable portion of the British trade would be transferred to foreigners, whose ships are built, repaired, manned, and victualled at a much smaller expense than British vessels.

6. Because the proposed measure would also transfer to foreigners the employment which British workmen have hitherto found in shipbuilding, and would drive into the service of foreigners many British seamen, who by their skill and valour have always conferred inestimable benefits on this country, and are eminently entitled to its gratitude. STANHOPE.

HOUSE OF COMMONS,

Tuesday, May 8, 1849.

MINUTES.] PETITIONS PRESENTED. By Mr. Farnham, from Ashby-de-la-Zouch, and by other hon. Gentlemen, from several Places, against the Parliamentary Oaths Bill.—By Mr. Cobden, from Sheffield, for an Extension of the Suffrage.—By Mr. Page Wood, from Oswestry, for the Affirmation Bill.—By Mr. Sheridan, from Shaftesbury, for the Abolition of Church Rates.—By Mr. G. Thompson, from Dartford, for the Clergy Relief Bill.—By Mr. Cowan, from Edinburgh, against the Marriages Bill.—By Mr. Traill, from the County of Caithness, against the Marriage (Scotland) Bill.—By Colonel Mure, from Eglesham, against the Sunday Travelling on Railways Bill.—By Sir Alexander Hood, from Laingport, Somerset, for Repeal of the Duty on Attorneys' Certificates.—By Mr. Thomas Greene, from Bolton-le-Sands, respecting the Lancashire County Expenditure.—By Mr. Pryse Pryse, from the Guardians of the Aberystwith Union, for the County Rates and Expenditure Bill.—By Mr. Frewen, from Northian, Sussex, for Repeal of the Duty on Malt and Hops.—By Mr. Roebuck, from Sheffield, for Repeal of the Duty on Paper.—By Mr. Cobden, from Stansfield, Yorkshire, for Reduction of the Public Expenditure; and from the Guardians of the Todmorden Union, for Repeal of the Window Duty.—By Mr. Plumptre, from a Number of Places in the Eastern Division of Kent, for Agricultural Relief.—By Colonel Verner, from Mullaghbrack, for Encouragement to Schools in Connexion with the Church Education Society for Ireland.—By Mr. Smollett, from Dumbarton, against the Lunatics (Scotland) Bill.—By Mr. Grey, from Officers of the Fareham and Droxford Unions, for a Superannuation Fund for Poor Law Officers.—By Mr. Stansfield, from Huddersfield, for the Punishment of the Promoters of Promiscuous Intercourse.—By Mr. Traill, from Caithness, against the Registering Births, &c. (Scotland) Bill.—By the Marquess of Worcester, from Kemerton, Gloucestershire, for an Alteration of the Sale of Beer Act.—By Mr. Milner Gibson, from the Council of the Society of Arts, London, respecting certain Exhibitions of Decorative Manufactures.—By Mr. Pryse Pryse, from Cardigan, for a General Conservancy Bill.—By Viscount Barrington, from Wokingham, for deciding International Disputes by Arbitration.

JOINT-STOCK BANKS BILL.

MR. HEADLAM: * Sir, it has been usual, for Members of great authority and long experience, when they have introduced any subject of more than ordinary difficulty and importance, to state their sense of their own inability, and to ask that their individual defects might not prejudice the case they had to bring forward. A request so made has been invariably conceded, and I can truly say, that upon no former occasion has there been greater need of the patience and indulgence of the House. For, without saying anything of myself individually, I at once ask whether there is any duty more clearly imposed upon us, than to provide that the laws concerning the system of banking in such a country as this should be based upon the soundest principles that reason, fortified by experience, can discover? If this duty be clear and important, so is it one of no small difficulty. I think, however, that there are circumstances which render the present a peculiarly suitable opportunity for a discussion such as I now invite. A great commercial storm has passed over us, from the effects of which we are only gradually recovering. Recent events have given us an experience as to the operation of our laws concerning banking, which we have not possessed upon any former investigation of the subject. We are in a period of comparative tranquillity. There is not that commercial excitement — that sanguine spirit of speculation, which is so pleasant in its progress, and so bitter in its consequences. There is not, on the other hand, that stagnation of credit which paralyses the industry of the kingdom, and makes men ready to catch at any straw to save them from immediate dangers. Without any causes to disturb the public mind—with the additional experience we possess, I say that we may now, with great propriety, consider whether our laws affecting joint-stock banks have not tended to produce some of the evils which this country has recently experienced. The extent that the district I represent has suffered from the failure of joint-stock banks has made me consider the subject most carefully; and the more attention I have paid to it, the more deep has become the impression upon my mind of the magnitude of the mischief that has been caused by the mismanagement of banks. When, however, banks are based on sound principles, and conducted with ordinary prudence and caution, the benefits, social, commercial, and economical, they produce, can scarcely be exaggerated. One of the evil effects produced by the failures to which I have alluded, is, the discredit they have brought upon the whole system. Men imagine that we have suffered from a too great ex-

* From a Speech printed by Saunders.

tension of the system of banking. Far from it. The thing that we have suffered from is, a partial and incomplete development of banking, based upen unsound and erroneous principles. It would be easy to find examples in other countries where the practice of banking is far more widely extended than it is in this kingdom. When, moreover, we consider the infinite number of transactions produced by the activity of our trade and industry, and that capital is not here, as elsewhere, confined to a comparatively few, but that it is universally diffused through all classes of the community, I say it is clear that we have been very far from availing ourselves of all the benefits that a complete development of the system of banking would confer upon us. When banks are well conducted, the result is, that not only the surplus capital of the wealthy—not only the moderate gains of the middle classes—but also the savings of the poor, large in the aggregate, though small in the individual amount, are collected into one fund, which is again sent forth to give life and energy to new trade and industry, and to call forth the natural resources of the country. Such are the commercial and economical benefits of sound banking. Its social benefits are not less important. It spreads habits of economy generally throughout the whole community—confers a knowledge of what it is upon which credit rests—makes men afraid not only of everything tending to disturb political institutions, but of everything likely to shock or derange that complicated and delicate system whereon commercial credit rests.

I have alluded only to some of the advantages to be obtained from a sound system of banking. On the other hand, I am satisfied that hon. Members very much underrate the bad effects produced by the mismanagement of banks. When a failure of a joint-stock bank occurs, the first question asked is, Will the public be paid? The answer probably is, that, though there will be great pressure upon the shareholders, sooner or later, the creditors will be paid. As there probably has been great mismanagement of the bank previous to its failure, it sounds as if there was something of retributive justice in the loss of the shareholders. The result is, that men go away with the impression, that though the failure of a joint-stock bank is an uncomfortable event, a thing on the whole to be regretted, still it is not an evil which calls for any particular attention on the part of this House or the Government. Now, Sir, I have no hesitation in saying, that this is quite an erroneous view of the case. A large joint-stock bank does not fail without considerable mismanagement; and from the hour from which such mismanagement commences, to the time of the failure of the bank consequent thereon, and thenceforward until the results of the failure are completely effaced, the operations of such a bank are a curse to the neighbourhood where they take place.

I have before alluded to the manner in which a bank collects the capital around it, and re-employs it. A bank that mismanages its affairs has a similar control over the capital of the district. It collects large funds in the shape of calls from shareholders, and deposits from customers. When mismanagement occurs, these funds are employed in giving credit to individuals where credit is not due; in fostering unsound speculations which during their existence produce an unfair competition with natural and legitimate trades, and which falling with the false credit that gave them birth, end in the ruin of those involved in them. By means like these it is that a bad system of banking disturbs the natural course of the capital of the district, and directs it into false and artificial channels. Not only, however, does a bank possess this power over the capital of the community as it is produced, but the law most mischievously enables a bank to anticipate and pledge the future capital of the district wherein it is situated. The law enables a bank to borrow money upon the personal security of every one of its shareholders, and thus it becomes largely indebted in every quarter from whence money emanates. The result is, that when a failure does take place, natural and legitimate trades are left paralysed by unfair competition, and deprived of the capital that ought to give them life. Numbers of persons are thrown out of employment by the failure of improper speculations which the bank has called into existence. Many years are required before the trade of the district can be restored to a healthy state. These are the commercial evils consequent upon the failure of a bank: the social evils are perhaps still greater. The poorer part of the shareholders who have invested their whole fortune in the purchase of shares, find themselves suddenly ruined by the loss of their investment. The middle class not only lose the value of their shares, but find themselves suddenly

liable to sums, the magnitude of which is to them almost unintelligible. The wealthier portion are selected as the first victims, and however small their interest may have been in the concern, they are called upon to pay sums which no private fortune can meet. The courts of bankruptcy and insolvency then become wonderfully active. At every assizes new victims are made. Some there are of the strongest who struggle for a time, but the fangs of the Court of Chancery are upon them, and their efforts to escape are in vain. Others have not strength of mind to contend against such calamities. It is within my own knowledge that suicide and lunacy have been amongst the consequences of such failures.

Well then, the question arises, are these evils inevitable? If they are so, legislation is useless. But the case I submit to the House is, that it is the law which is in some respects the direct cause of these evils, and that the law continually tends to make the occurrence of failures of joint-stock banks more probable. I know that I am undertaking no small responsibility in making this charge—that it is no light thing to disturb public opinion on a subject so delicate as that of banking. But I hope the House will give me credit for this, that I have not brought forward this subject without being convinced myself of the evil effects of the law, and that there are good grounds for supposing that an efficient remedy may be provided.

I have said that the tendency of the law is to render failures probable. The first mode in which it works to this end is, that it imposes a degree of risk upon every shareholder, which it is not reasonable to expect that wealthy and prudent men will undergo. Men will not undergo great risk without corresponding advantages. The only equivalents I know of which can be given are, either large profits upon shares, or indirect banking accommodation. The necessity of giving either the one or the other of these equivalents, is fatal to the good management of a bank. I am perfectly aware that many wealthy and prudent men have been, and still continue to be, directors and shareholders in joint-stock banks; but this fact does not prove that the tendency of the law is not what I state. The temptations which induced such men to become members of joint-stock banks have lost their power, and every day the tendency of the law to exclude them is seen more clearly. Joint-stock banks are of recent growth in this country. When they were first established, men were sanguine of their success, as they usually are of new commercial speculations. They did not then dream of such failures as have occurred. The extent of the liability was greatly misrepresented; and it is only by degrees that experience is forcing upon the minds of men an accurate knowledge of what that liability really is. I cannot produce a stronger proof of the extent of misrepresentation there has been on the subject, than the fact that, even with the experience we now have on the subject, attempts at misrepresentation are still made, and apparently with success. I hold in my hand a prospectus, advertised in the country papers, holding out, in capital letters, to those who may become shareholders in a new bank, the temptation of limited responsibility. The law distinctly prohibits any such limitation. Announcements of this kind have usually been justified by the insertion in deeds of settlement of clauses providing for the winding-up of the bank upon the loss of a certain portion of its capital. These clauses are a common form in most deeds of settlement, and have proved to be practically worthless. The clause prohibiting any limitation of responsibility is the 7th section of 7 & 8 Victoria, cap. 113, and it provides—

> "That, notwithstanding such incorporation, the several shareholders for the time being in the said banking business, and those who shall have been shareholders therein, and their several executors, administrators, successors, and assigns, shall be and continue liable for all the dealings, covenants, and undertakings of the said company, subject to the provisions hereinafter contained, as fully as if the said company were not incorporated."

I quote this section because I am desirous that there should be no further misunderstanding on the subject, and because I wish to prevent persons becoming partners in concerns of this kind in ignorance of the fact that they thereby render themselves liable to the whole extent of their fortunes. It is this ignorance or want of experience concerning the consequences of failures in joint-stock banks which has led many wealthy men to become shareholders in such establishments. As they are in many cases bound by personal considerations, they will continue to be members for their lives; but as they gradually die off, their shares come into the possession of a lower class of men. The tendency of the law, therefore, is, gradually to place the whole control of the banking system of this country in a speculating class of men. Laws

are inefficient directly to make men regulate their own affairs in any particular manner; but we have had experience in other cases of the manner in which a bad law can give a gambling and speculative character to a particular trade. It is impossible to conceive a law more likely to give such a character to a trade than that which imposes this unreasonable liability upon the shareholders in a joint-stock bank.

This, Sir, is the first charge I make against the law: the second charge is still more important. The law gives to every joint-stock bank a species of credit, most false in principle, and most injurious in practice. It enables such a bank to borrow money to any extent upon the personal security of every one of its shareholders. Let us trace the manner in which this arbitrary power practically works. When a bank fails, it will be generally found that the losses which occasion the failure, take place not long after the commencement of the bank. Now how should a good law work when a serious loss happens? It ought to compel the parties, either to make good the loss, or to wind up the concern. How does the present law work under such circumstances? It enables the parties, after such a loss, with perfect facility to carry on their business with borrowed capital. I do not mean that a bank can, like a wealthy individual, borrow 100,000*l.* on mortgage; nor can it borrow a precise sum on its security, and employ it in its business. But what it can do is this. It can obtain bills to be discounted to that amount, or, indeed, to a very much larger amount. It pledges the personal security of its shareholders for the satisfaction of the bills so discounted. The security your law allows it to offer enables it to borrow the amount of the bills for the period during which they have to run. It can again and again repeat the same operation; and if it can keep the market supplied with bills, it has continually the loan of the sum of money so discounted upon the security I state. Thus the law makes the first step in the downward career of a bank as easy as possible.

It is almost certain that a bank thus maintaining itself on borrowed capital, will go on from bad to worse. Both to maintain its credit, and to compensate its shareholders for the risk they are continually undergoing, it must pay large dividends. It has therefore to pay large interest on the capital it borrows, and dividends upon capital which it has lost. In many other respects, it cannot carry on its affairs as economically as a wealthy and solvent concern. The time at length arrives when a vigorous effort will still save and re-establish it; but when, without such an effort, it is clear the bank must, before long, fail. How, under such circumstances, does the existing law work? Does it hold out to the parties an inducement to make such an effort? or does it induce them to let the system go on until the bank fails? The alternative the law holds out to the wealthy shareholder is this: On the one hand, let him endeavour to effect a call, prevent the payment of dividends, change the system of management, and by other means re-establish the bank—then should he fail in such efforts, the bank will at once fail; and, however small may be his interest in it, he will probably be the first victim, and be ruined by the crash. On the other hand, let him keep the vicious system going on for a short time, and get quit of his shares, the law makes him nearly safe; for it is the existing shareholders who are primarily liable. Let the bank be kept alive but for three years after he has disposed of his shares, he is safe. When such temptations are held out to men to take the wrong course, and they are made liable to such dangers and such injustice if they take the right course, is it wonderful that the directors of joint-stock banks have persevered in bad management until the day of failure? At length the time comes when there is a bad harvest or a pressure in the money market; or else the bill brokers and bankers, who are the principal creditors, knowing that their security is melting away, step in and put an end to the lingering existence of the concern. Then occur the evils which I have before alluded to; evils, be it observed, not confined to the particular district where the failure takes place, for our commercial system is sensitive and delicate, and a shock given to it in the remotest part of the kingdom, is felt immediately throughout. I ask those Members of the House who investigated the causes of the commercial crisis under which the nation was so deeply suffering when this Parliament was assembled in 1847, whether it is not the case, that the failure of joint-stock banks was one of the most important causes of that most fatal event? Now, Sir, I have traced the operation of the law from the commencement of a bank of this kind until its failure, and I say that its tendency throughout is to lower the

class of men who are shareholders—to offer them opportunities for bad management—to discourage vigorous efforts for the re-establishment of a sinking concern—to smooth the road to ruin—and to render ultimate failure probable.

Let us now see how this fatal law originated. Before the year 1826, joint-stock banks were not permitted in this country. The Bank of England possessed what is usually, but inaccurately, called an exclusive privilege of banking. The Bank of England was subjected to almost unbounded competition in the trade of banking by private individuals; but it was the only corporation that was allowed to carry on the trade. Its privilege consisted in its own internal construction. The Bank of England was a corporation according to the established principles of the common law; that is to say, the persons who held its stock had merged their individual in their corporate character. The corporation could hold lands, enter into contracts, render the corporate property liable for its contracts, and possess, as a corporation, all the rights and liabilities of property. Those who dealt with it, dealt with it as a corporation, and had no remedy against the individual holders of stock. It possessed two of the great elements of the prosperity of a bank—a large paid-up capital, and a permanent corporate character, necessarily limiting the liability of its shareholders. By the aid of the right hon. Baronet the Member for Tamworth, it now possesses the third element of prosperity, namely, the publicity of accounts. Such was the condition of the Bank of England in the year 1825. On the other hand, there were innumerable private banks in which the principle of unlimited responsibility was carried to the utmost. The storm that raged in the commercial world during the year 1825, almost swept away these private banks, while the Bank of England, with these foundations of prosperity, though then, as upon former occasions, tried severely by events over which it had little control, stood firm. Public opinion, struck with this fact, demanded that the law should be altered, so that banks might be formed similar in their constitution to the coustitution of the Bank of England. The result was the statute 7 Geo. IV., cap. 46, which law regulates joint-stock banks to the present day. This Act was a kind of treaty between the Bank of England, on the one hand, and the public on the other. The Government of that day stipulated for the best terms they could obtain on the part of the public. The authorities of the Bank of England, on the other side, had to maintain the interest of their shareholders. The Government, on the part of the public, sought to make lawful the formation of perfect banking corporations with limited liability, such as I have described the Bank of England. On the other hand, the Governor and Deputy-Governor of the Bank of England objected to the formation of such powerful bodies, and made many conditions intended to be for the benefit of their own shareholders. They stipulated that the new banks should not be within sixty-five miles of London. They stipulated that all the partners in them should be individually liable, and they made other conditions for the purpose of weakening the strength of the new banks; as, for instance, that they should not be at liberty to draw bills of exchange upon London. Such, Sir, was the origin of this principle of unlimited liability. It was not, as many suppose, a prudent precaution, taken for the public by the Legislature. On the contrary, it was forced upon the Government against its own views by the Bank of England stipulating for its own interests. The statesmen who conducted this treaty with the Bank of England, and who sought to obtain for the public this principle of limited liability, were the late Lord Liverpool and Mr. Huskisson—men, whose authority is of no small weight on such questions. But it was not the Government alone which then adopted this view of the question. We find from the debate which ensued upon the Bill, that the late Lord Ashburton, not connected with the Government, was of the same opinion. He thus expressed himself: *—

"If the right hon. Gentleman (Mr. Huskisson) had allowed persons to combine together on condition of depositing their capital and of limiting their responsibility to their capital, he would have found plenty of individuals ready to engage in such associations. Landed gentlemen would put down their five, their ten, or their twenty thousand pounds, as might be convenient, and banks would be formed all over the country on the best principles."

To which Mr. Huskisson replied, that †—

"He allowed that it would be a great improvement, if, under a proper system, chartered banks were established with only a limited liability. But the Bank objected to the extension of this limited liability: it would, no doubt, induce many persons of great credit and fortune to invest their money in shares in such banks."

* Hansard, Vol. xiv., p. 209.

† Ib., p. 243.

It is clear, therefore, that it was this objection to the Bank of England which prevented Lord Liverpool and Mr. Huskisson from constituting banking corporations with limited liability.

In the year 1833, the charter of the Bank of England expired, and Lord Althorp, who was then the Chancellor of the Exchequer, again attempted the same thing. He proposed to the House of Commons that*—

"In the case of joint-stock bank companies not issuing their own notes, one fourth of their subscribed capital should be paid up, and vested in securities, and that the shares in such banks should not be less than 100*l.* each, and that the partners should be liable or responsible only to the amount of their shares."

This proposition he subsequently withdrew, not† (as he himself stated) from any alteration of opinion upon the subject, but because he found the opposition to it too strong.

Although, however, the Bank of England has persisted in maintaining this condition concerning the unlimited liability of the partners in joint-stock banks, it has in other respects adopted a more liberal course. One by one the other conditions (for which it stipulated in the statute 7 Geo. IV., cap. 46,) have been given up, although some of them, during the time of their continuance, were most vigorously enforced in the courts of law. The Bank of England is now strong in public opinion: it is beyond the fear of competition: it does not stand in need of enactments made for the purposes of weakening rival establishments: it has discovered that its interest, like the interest of other great establishments, is identical with that of the public. I have, therefore, good reason to hope that no opposition will arise from the Bank of England to the proposal I now make; but that it will adopt, with respect to this last remaining condition, the same liberal policy that it has pursued with respect to the other conditions for which it stipulated in 1826, and which it has subsequently given up.

I have stated the manner in which the existing law works, and the circumstances under which it originated, and I must now say a few words as to what its provisions precisely are. In the first place, a creditor having obtained a judgment against the company, may issue execution against any one of the shareholders he may think fit, however large the judgment, and however small the interest of the shareholder against whom it is sought to be enforced. The statute law on the subject is, in many respects, more stringent than the common law with respect to partnerships. In the language of Lord Langdale—

"Any person being a member at any time between the date of the contract and the time when the debt arising therefrom is satisfied, is to become liable for its payment. A person might not be a party, or liable to the contract; he might not be a member of the copartnership at the time when proceedings were taken to enforce it; but by becoming a member at an intermediate period between the contract and the judgment, he would thereby render himself liable to the payment. This is no small advantage given to the creditor of such a concern."

This is technical language; the hardship of the law would be better illustrated by cases arising under it. An action is now pending under the following circumstances. A shareholder in one of those banks died; his executors received dividends upon the shares, as part of the estate of the person whom they represented. They never intended to make themselves shareholders, and were not registered as such. Under these circumstances a verdict was obtained against them by a creditor, and they were held liable to pay the amount so recovered, not out of the estate of the testator, but out of their own private fortunes.

Another case is that of a single woman who had some shares left her; she never received any dividends upon them, in consequence of there being some arrears due for calls. Seven or eight years afterwards she married. The existence of the shares seems to have been forgotten by the wife, and was never made known to the husband. About a year after the marriage, an action was brought against the husband upon these facts, and a judgment obtained against him.

Now, Sir, I am aware that individual cases of hardship are no proofs of the bad principle of the law; but recollect the character of this particular law. It is a restraint upon individuals, prohibiting them from entering into such contracts as they might otherwise choose, maintained apparently for the purpose of protecting individuals who might be supposed capable of protecting themselves. On this subject, hear what is said by Mr. Mill, the greatest of our modern political economists:—

"If a number of persons choose to associate for carrying on any operation of commerce or industry, agreeing among themselves, and announcing to those with whom they deal, that the

* Hansard, Vol. xviii. p. 184.
† Ib., Vol. xix. p. 82.

members of the association do not undertake to be responsible beyond the amount of the subscribed capital, is there any reason that the law should raise objections to this proceeding, and should impose on them the unlimited responsibility which they disclaim? For whose sake? Not for that of the partners themselves; for it is they whom the limitation of responsibility benefits and protects. It must, therefore, be for the sake of third parties—namely, those who may have transactions with the corporation, and to whom it may run in debt beyond what the subscribed capital suffices to pay. But nobody is obliged to deal with the association; still less is any one obliged to give it unlimited credit. The class of persons with whom such associations have dealings are in general perfectly capable of taking care of themselves, and there seems no reason that the law should be more careful of their interests than they will themselves be; provided no false representation is held out, and they are aware from the first whom they have to trade with."

Our law does not act upon these principles. It interferes arbitrarily for the protection of a particular class of persons, and when this is its character, I do say it is a strong argument against it, that it produces such cases of hardship against another class of persons as those which I have mentioned.

I will now state shortly the material provisions of the remedy I suggest. In the first place, I propose that no bank shall have the benefit of this Act, unless, upon a petition presented to the Board of Trade, it shall appear to be for the public interest that such a bank should be established. I propose that a sum of money should be invested in the Funds previous to the letters patent being granted. I do not propose to prohibit the bank from selling out this fund, and applying it for the security of the bank in times of difficulty and danger. But I offer the strongest inducement to the parties to keep such a security continually invested, by prohibiting them from paying any dividends unless such a sum shall have been invested in the Funds during one year previous to the declaration of such dividends. I also propose that accounts, in a precise form, shall be published by the bank four times a year. There are also provisions in the Act to enable any existing bank to avail itself of the provisions of the Act.

Now, Sir, I am aware that an opinion generally prevails as to the impossibility of trusting to any published accounts. It is undoubtedly true, that where parties have the power of making accounts, or reports, in such form as they see fit, no reliance can be placed on them. Without making one false statement, nothing is easier than to mention facts which tend to show the prosperity of a concern, and to say nothing of those which show the reverse. Every one who knows any thing of the way in which reports may be drawn up, and figures perverted, must at once see how easy false inferences may be suggested. But when an account, in a precise given form, has to be made up, I see no reason for doubting its accuracy. Such an account must be accurate, unless we suppose positive wilful false items introduced by those who make it up. Nobody doubts the accuracy of such an account as that published by the Bank of England. I propose that if any party shall violate the provisions of the Act, or be cognisant of any material error in the accounts, he shall forfeit the privileges of the Act. With such a security against intentional fraud, I see no reason whatever why the public should not be able to rely upon the accuracy of such accounts as I propose shall be published.

If the system I propose were adopted, the credit of a bank would depend upon the magnitude of its known capital and the character of its management. It may be that such a bank would not be able to become indebted in such enormous amounts as banking companies under the present system have rendered themselves liable for. I should not regret such a result. The security of the public would, I verily believe, be as great as at present. Should a bank, such as I propose, fail, there would be no immense sums due to London agents or bill brokers. To meet the smaller liability, there would be the paid-up capital, and what there might be due upon the shares, together with what had been paid for dividends in the last year. These funds would be immediately available, and there would not be that tedious and expensive process of law by which the losses that occur under the present system are extracted from ruined shareholders.

I have stated the evils I seek to redress, and the nature of the remedy I propose; let me now remind the House that the consequences of the existing law were predicted before they occurred.

The subject was brought forward in the year 1836, by my hon. Friend the Member for the Tower Hamlets. He had not then the benefit of that experience which we now possess. He, however, traced out with wonderful precision the natural results of the law of which I complain; and I can truly say that few speeches made in this

House have been more fully verified by subsequent events.

I am not proposing any new theory, unheard of in the commercial world. On the contrary, my proposal is in accordance with the practice of other nations. There is no country in the world where such a law as ours prevails. The practice of the United States is universally to carry on the banking of the country by corporations with limited liability. The law of France is most fully in accordance with what I suggest. Such is also the case in Belgium, in Germany, and in Spain. The three most important banks in Scotland rest upon this principle. With us the Bank of England is a corporation with limited liability; but our law absolutely prohibits the creation of any other such corporation. Our law is an exception to the universal policy of mankind, and we have experience to prove that it has not been successful.

I now, Sir, ask for leave to bring in this Bill, and submit its provisions to the consideration of this House and of the country. I make this demand on the part of the public, who are most deeply interested in the establishment of sound principles of banking. I ask on their behalf the same thing that was asked in 1826 by Lord Liverpool and Mr. Huskisson—the same thing that on their behalf was proposed to this House in 1833 by Lord Althorp. I make this demand on behalf of the shareholders whom your law exposes to temptations to which men ought not to be exposed —whom your law subjects to risks and penalties to which men, without the most extreme necessity, ought not to be subjected. I ask it on the authority of the greatest of our statesmen, and the wisest of our abstract writers. I ask it when theory has traced out the natural tendency of our law, and when experience has verified to the letter the truth of the predictions of theory. And I submit that upon authority, reason, and experience, I have established a case to justify this House in allowing me to bring in the Bill I propose.

Motion made, and Question proposed—

"That leave be given to bring in a Bill to render lawful the formation of Incorporated Joint Stock Banks, based upon the Principle of a limited Liability of the Shareholders."

MR. EWART said, that having entertained a strong impression for many years in favour of the measure which his hon. and learned Friend had introduced, he begged leave to be permitted briefly to second the Motion. The conviction on his mind was, that by limiting the liability of the shareholders, they would greatly increase the certainty of the security of the bank. He thought his hon. and learned Friend would have acted more wisely, if, instead of asking for leave to bring in a Bill, he had moved for a Select Committee to inquire into the law of limited liability. By so doing he would have opened the whole question, and have drawn public attention to it, and would thus have had the matter tested. His hon. and learned Friend had, however, thought it more advisable to take another course; but it was still a most useful one, and it afforded him (Mr. Ewart) great pleasure in seconding it.

The CHANCELLOR OF THE EXCHEQUER said, his hon. and learned Friend had, in the course of his speech, gone into various details of the measure which he proposed to submit to the House; but into those details he should not follow him, as he was opposed altogether to the principle of limited responsibility in banks, which the hon. and learned Gentleman contended for. He thought it was but fair to him to state at once his opposition to the principle of the Bill, and his determination to take the decision of the House upon the principle of limited or unlimited responsibility as applied to banks, and therefore it would be unnecessary for him to go into details. Last year he had certainly received three or four representations from parties in favour of the views held by the hon. and learned Gentleman; but all of them came from the town of Newcastle, where this notion of limited liability had taken hold of the public mind. From no other part of the country had he received a single representation in favour of the principle of limited liability. His hon. and learned Friend had stated correctly that the 7th and 8th of Victoria prohibited limited responsibility; but he had referred to an advertisement of a bank about to be established in London, in which "limited liability" was put forward. This advertisement was extracted from the *Newcastle Chronicle*, where it had been inserted no doubt to meet the views of the people with whom the advertisers had to deal. It had been inserted probably by the agent of the proposed bank in Newcastle, and it contained in large letters the words "responsibility to be limited." Any one, however, who read the advertisement would discover how far the liability would be limited; and there would not be found in any paper but the *Newcastle Chronicle* the words "re-

sponsibility limited." It was, in fact, a quack advertisement, meant only for the people in that neighbourhood by whom it was to be read. His hon. and learned Friend, however, rightly stated that the 7th and 8th of Victoria enacted that the partners of a bank were responsible for the liabilities of the bank to the whole extent of their fortunes, whatever provisions might be contained in their charter. The question was, whether a limited liability or an unlimited liability tended most effectually to the ultimate solvency and good management of a bank. Attaching, as he did, no inconsiderable importance to the ultimate solvency of a bank, he agreed with his hon. and learned Friend in thinking that the immediate solvency and good management of a bank was of still more importance. He did not think it necessary to enter into the history of the various attempts to alter the law on this subject. He had at all times found public opinion to be against limited liabilities. In 1836, on the Motion of his hon. Friend the Member for the Tower Hamlets (Sir W. Clay), a Committee on joint-stock banks was appointed. That Committee sat for three successive Sessions. His hon. Friend examined several witnesses, and had the opportunity of ascertaining the opinions of practical men, and of expressing his own opinion on the subject of limited and unlimited responsibility, but not one single word was said in the report of that Committee on that subject. That was rather a strong proof that his hon. Friend could not prevail on the Committees to express an opinion one way or the other. General Austin was examined before the Committee, and he said—

"There is a great difference of opinion as to unlimited liability and limited liability. I think that a middle course may be steered."

Mr. Stuckey was also examined, and he gave it as his opinion that—

"Persons of wealth and respectability would join with limited liability; but he said, at the same time, with unlimited liability I every day hear of persons of property taking shares."

Mr. James was of opinion that—

"Unlimited responsibility affords better security. Unlimited responsibility does not prevent persons from embarking in joint-stock banks, properly conducted."

Mr. Gibbins stated that—

"A charter of limited liability might induce respectable persons to purchase shares. It might make the directors more negligent in looking after the concern. I think there might be danger to the public in limiting the liability."

Then came Mr. Robertson, who said—

"Where there are small stock banks, with small proprietaries, I think the security which they would give to the public would not be of that unquestionable description which it ought to be."

Then there was an Irish Member, Mr. Callaghan, who stated—

"I think the condition of unlimited liability is the better of the two; it is a security to the public. In the instance of the late bank that stopped we have full proof of that."

There were only two other witnesses examined upon that subject; the one was Mr. Samuel Martin, who said—

"I do not see myself any public advantage or security to be derived from limited responsibility."

The last witness was a gentleman whose name was often mentioned in that House as one of the highest authority upon all commercial affairs—Mr. Samuel Gurney. He was asked—

"In reference to the system of joint-stock banks, do you conceive it would be an improvement, or a disadvantage, to the present system, if joint-stock banks were permitted to be established with a limited liability?—I think it would be a very serious addition to the evils of the case."

What he had thus read must leave a decided impression on the House that the weight of evidence of the majority of those who were most competent to give an opinion on the subject, was distinctly against the principle of limited liability. His hon. and learned Friend had insisted on another point connected with limited liability, namely, publicity of the accounts. Now, as to the publicity of the accounts, his hon. and learned Friend appeared to place more reliance on that circumstance than experience induced him (the Chancellor of the Exchequer) to do. Then his hon. and learned Friend was of opinion that unlimited liability gives to a joint-stock bank a false species of credit, which enables it to carry on its business with borrowed capital, on the security of the known wealth of its shareholders; and this, he thinks, would not be the case with a bank of limited liability; but he (the Chancellor of the Exchequer) did not think there was much in that argument. He did not believe that a bank founded on limited liability would, in the case of panics, which seemed to occur periodically, as was said, every ten years, prove to have obtained less credit—at least, not to have obtained credit sufficient to get everybody into a scrape—than a bank founded upon

the principle of an unlimited responsibility. Upon the whole, he must say, from what they had seen of late days, that as to a restricted confidence being placed upon a limited responsibility, the extraordinary sums which had been vested in railways completely refuted that supposition, while the utter falsification of accounts, and the utter mismanagement of those concerns, must convince every impartial mind, that neither in the case of restricted confidence nor in the accuracy of accounts was the argument in favour of limited liability. Upon the question of insolvency, no man could entertain the slightest doubt that a bank where all the partners were liable to the full extent of their property must afford a better security than where the partners were only liable to a limited extent. In the case of a bank of limited liability no one would think of vesting his whole property in it; but in the case of a bank of unlimited liability the whole property of the person holding a share in it would be responsible. Now, unless his hon. and learned Friend could prove that a part was greater than the whole, unlimited responsibility must be better security for payment of the creditors than limited responsibility. That was capable of mathematical proof. Then came the question of good management. What was the best security for good management? Surely it was the consequences that would fall upon the shareholders if they did not watch vigilantly over the affairs of the bank. It was true, when banks of unlimited responsibility got into discredit, they found themselves obliged to do extraordinary things for the sake of maintaining their credit; but banks of limited responsibility would do much the same. They, too, would probably pay interest on moneys borrowed, and dividends on their shares out of their capital. Railroads were founded on the principle of limited responsibility—they paid interest on sums borrowed, and dividends on their shares, but how? Out of their capital. Within the last six or eight months these railroad companies—with a limited responsibility—had taken steps quite as extraordinary and quite as dishonest as any body founded on unlimited responsibility ever did in this world. It was alleged that there had been great mismanagement on the part of joint-stock banks. He admitted the fact; but had it not often arisen from their having invested not only their deposits, but their paid-up capital in securities which were not immediately available when wanted? Neither a limited liability, nor the publication of accounts, could protect books under those circumstances against failure. What was the best security for good management? The degree of interest which the parties felt in seeing that their concern was so conducted as to protect them from loss. If, then, a party was liable to the amount of 10,000*l.*, he would feel a greater interest in looking into the management of the concern, than if he were liable only to the extent of 100*l.* But the principle advocated by his hon. and learned Friend was quite the reverse of this. The arguments used by his hon. and learned Friend appeared to him to be contrary to mathematical truth, to all the principles that regulated human action, and to the dictates of common sense. In the United States the principle of limited responsibility was acted upon; but had there been no failures there? In Scotland, where the principle of unlimited liability prevailed, the failures were remarkably few; while in the United States he found it stated in a book written by Mr. Gilbart—a most eminent practical banker—that no less than 165 chartered banks had failed in America. In his *History of Banking in America*, that gentleman said—

"Unlimited liability gives greater security to the public. . . Unlimited liability is to a certain extent a guarantee for prudent management. . . If in some cases even this has been found to fail, are there no failures on the other side? Has not limited liability been also tried, and failed? Are the 165 chartered banks that have failed in America to go for nothing?"

The right hon. Gentleman concluded by saying, that he thought he had shown that the principle of limited liability was no security whatever against mismanagement. He did not at this time consider it necessary to go at greater length into the question. He agreed with his hon. and learned Friend, that the two main points were to secure immediate solvency, but still more good management; but he did not conceive that these two objects were so likely to be attained by the adoption of the principle of limited responsibility as by unlimited responsibility; and, therefore, as he wished to take issue upon the question as to which was the most advantageous mode for the public at large in the management of banking establishments, he should resist the introduction of the Bill of his hon. and learned Friend.

Sir W. CLAY begged permission to say a few words on the subject before the House, as he had been personally alluded

to. It appeared that his right hon. Friend the Chancellor of the Exchequer still clung to the opinion that unlimited liability was the surest way of obtaining good management in the end. He should have been less surprised if that opinion had fallen from a person who was less intimately acquainted with monetary affairs than his right hon. Friend. If the principle of unlimited liability was sound at all, he did not know why it should be expected to operate with less force in a small than in a large copartnery. Ever since the establishment of the Bank of England, there was no instance of a chartered bank being established with more than six partners previous to 1826. Now each of these parties felt a keen interest in the bank to which he belonged. It was rare that a single individual was a sleeping partner. Every one was intimately acquainted with the affairs of his own bank; and yet what was the result? He would divide the history of these banks into three periods—first, the period up to 1791-2, when there were no bank restrictions, and no issue of notes under 5*l*. Under this system, up to the year 1791-2, one hundred banks were swept away. Well, what were the facts after bank restriction had been established, and permission was given to issue small notes, that was to say, from 1809 to 1819? In that time 174 commissions of bankruptcy were issued against country banks, proving that an altered system, retaining the principle of unlimited liability, failed the same as before. Again, after the return to cash payments—that was, from the year 1819 to 1826, 99 commissions of bankruptcy were issued against country banks. In 1826 it was well known that it was the Bank of England alone which prevented the experiment from being tried of a bank on the principle of limited liability. Lord Liverpool, Mr. Huskisson, and the late Lord Ashburton, were all favourable to the scheme; and it was solely the opposition of the Bank of England that prevented the experiment from being tried. No man knew better than his right hon. Friend that the system of 1826 had proved a complete failure. His right hon. Friend had expressed a doubt whether there would be equally good management in a bank of limited liability as in a bank of unlimited liability; and he quoted the evidence of certain persons taken before the Committee which he (Sir W. Clay) had moved for, who stated that they had no objections to take shares in banks of unlimited liability. But since the disastrous experience of the last year, he believed that the same disposition would not be found now. With regard to the question of prudence, the first point was to get persons of respectability to become partners; and that was only to be ensured by limiting the responsibility of parties, and holding out to them at the same time the moderate profit of six or seven per cent for their money, which might easily be acquired, as was proved by the experience of several of the joint-stock banks. His right hon. Friend, in illustration of his argument, referred to railway companies, which had limited responsibilities, and which yet sometimes did extraordinary things. But the right hon. Gentleman had totally overlooked the true analogy of these cases. What they wanted limited liability for was for the very purpose that those who dealt with them should be on their guard. It mattered not how the partners dealt among themselves; the great object was that their customers should be vigilant. The true analogy between a bank and a railway company was in the case of contractors for works and stores, who always took care that the railway companies were solvent before they dealt with them. Then the right hon. Gentleman had dwelt on the advantage of ultimate solvency; but that was not the point to be aimed at—in point of fact it was already provided for; because of all the banks that failed in 1826 a large portion ultimately paid in full; and he believed that, taking the bank failures of 1826, the entire average paid—that was, taking the bad with the good—not less than 17*s*. in the pound. That was very creditable to the banks; and if there was to be no amendment in the law, so as to admit the principle of limited liability, he, for one, would rather that the present system were entirely swept away, and that they should return to the system which was established prior to 1826. But, as he said, ultimate insolvency was not the thing to be guarded against—what they had to provide for was immediate solvency. He then referred to the Scotch banks, and said, that if the prudent management of the Scotch banks were an argument in favour of unlimited liability, it was an equally valid argument in favour of limiting the number of partners, for in 29 of the Scotch banks there were only six partners, and seven only had as many as 20. But the truth was, there was no one form of banking which was perfect. There was great force in the line

—"That which is best administered is best." Yet he admitted there were exceptions to the general rule; but still he felt that the principle of limited liability had the greatest tendency to security. For the security of unlimited liability, therefore, which completely failed, he proposed to substitute the vigilance of the public, sharpened by the sense that they had no security beyond the amount of paid-up capital, and the prudence with which that capital was managed. He would not trespass further on their attention, but would cordially support the Motion of his hon. and learned Friend.

The CHANCELLOR OF THE EXCHEQUER said, his hon. Friend had completely misrepresented what he stated. Far from attaching more value to ultimate than to immediate solvency, he said the very reverse.

MR. CARDWELL thought that the hon. Baronet who had just sat down had been rather unfortunate in telling the right hon. the Chancellor of the Exchequer that he had mistaken assertion for argument. He thought that imputation more fairly belonged to the hon. Baronet himself; for, after showing, as reason and example, that private banks sometimes failed in their solvency, and that joint-stock banks with unlimited liabilities were also sometimes unfortunate, the hon. Baronet jumped at once to the conclusion that their only security was in joint-stock banks with limited liabilities. That was a fair statement of the argument which the hon. Baronet addressed to the House. He did not see this question involved any recondite matters of monetary speculation, or of monetary history. He thought it was a very simple question—the application of ordinary common sense to a very familiar business—the business of banking. The object was to attain well-constituted and well-directed banks; and how was this to be accomplished? By requiring from all persons connected with them that they should be liable to the whole extent of their fortunes; or by allowing persons, to whom a few thousand pounds were of comparative indifference, to place them in an institution where they might expect a higher rate of interest than they could otherwise attain, while they remained careless as to the management of the institution, because the loss would be a small one to them? Before the Committee, of which so much had been said, this subject was referred to; and one of the witnesses stated the difference between joint-stock banks and private banks, with unlimited liability in both, to be this—that in joint-stock banks there was greater security for ultimate solvency, but in private banks there was greater security for good management. That being the argument, Mr. S. Gurney, to whom, on another point, the Chancellor of the Exchequer had referred, was asked the question—

"What would be the effect of establishing banks with limited liabilities?"

and he said—

"I think you will retain the evils of both systems, with none of the advantages of either—that was to say, that they would have smaller resources to fall back upon to secure ultimate solvency, and less vigilance to secure solvency at the moment."

He is then asked—

"Have the goodness to state what are the evils we should retain of the system of private banking?—We should have a security inferior to that which most private banking establishments give, and, generally speaking, a less safe system of management."

That was the language of Mr. Gurney in 1836, and it was equally applicable in 1849. But the hon. Gentleman proposed by this Bill to provide certain securities which should be our guarantee for the future. The first of these was, that the Board of Trade was to have the power of saying, whether or not a bank was to be established in a particular district. Now, on what principle of trade could it be argued that it should be left, not to the commercial requirements of a district, but to the department of the Government, exercising an arbitrary discretion, to say whether there should or should not be an additional supply of banking facilities in a particular district? That was a proposition which he thought would need little argument in that House to put down. Another security was, that a portion of the securities should be placed in the public funds, and that they should be publicly advertised to be so placed. Now, with great deference to his hon. and learned Friend, he doubted whether that was the best way of securing the solvency of a bank. The general and compulsory investment of a certain proportion of the resources of banks in the public securities, would certainly tend very much to increase the price of the funds in good times, and would proportionably depress them in times when it was of the utmost importance to all mercantile concerns that they should be upheld. Then it was said, they would have a security in the publication of the accounts. On

this subject he wished to read a letter which he had received from a gentleman who was well acquainted with the subject of joint-stock banks, and to whose opinion great weight ought to be attached, because he was one of the witnesses selected by the community which he had the honour to represent to give evidence on the late important inquiry into the subject of banking. That gentleman had some knowledge of the way in which accounts were prepared, and he said—

"I do not believe any mode can be devised which would enable the public to judge of the trustworthiness of the accounts published by banks, or to obtain from these accounts a satisfactory pledge as to their real position. Nothing but constant and daily superintendence can supply the means of accurate knowledge. The only real security is in having good management, at whatever cost and in whatever form; and this is more likely to be required by shareholders, who know that all their property is pledged on its accomplishment."

Another gentleman, who had been selected by the mercantile portion of the community to give evidence on the same subject, said—

"I have a strong opinion that if you limit the responsibility of shareholders, you take from the public the only really valuable security which they possess; and that a law to establish joint-stock banks with limited liabilities would be most objectionable to the safety of the community at large. Without the power of scrutinising the bills and assets of the bank, the publication of their accounts would be liable to deceive; because, by the insertion of securities that could not be realised, of bills that were overdue and unpaid, and of debts which the parties were not able to meet, it was obvious that these accounts might be made to meet the means of any one who had an object to serve."

Now, was not this language consonant to every day's experience, both in railway and other matters? The hon. Baronet the Member for the Tower Hamlets argued that an overdue bill could not be put down to the credit of the bank—that it would be detected at once. That was true; the overdue bill would be detected; but the bill that was overdue might be renewed, and how was it to be detected then? In reality, no skill—nothing but regular vigilance—could detect these transactions. A gentleman of the highest respectability had sent him a paper containing a conspectus of the affairs of a joint-stock bank. He was a gentleman of the highest experience in banking, and on his authority he (Mr. Cardwell) could implicitly rely; but as he did not guarantee the accuracy in all respects of the statement, he would give no name, but would quote it, if the House pleased, as an imaginary case of what any day's experience might produce; and he would ask, what would be the monetary effect of such banks in this country? He would suppose a bank with a capital of 150,000*l.* The assets stood thus: secured upon a township in the neighbourhood of Liverpool, 70,000*l.* To that item there was a note appended, stating that no interest had been paid upon the loan; that there were bonds amounting to about a quarter of a million secured upon the same township, all of which had a prior claim to that of the bank debt, and all of which should, therefore, be paid off before the bank could obtain anything. Consequently the statement stood thus: 70,000*l.* secured upon a township in the neighbourhood of Liverpool, value *nil;* lent upon collieries and mines, 40,000*l.*, value 9,000*l.* The hon. Baronet was justly solicitous about the immediate solvency of a bank. Let him, therefore, particularly notice that the total capital of the bank was 150,000*l.*, out of which 40,000*l.* were advanced to collieries and mines, and that this was now valued at only 9,000*l.* The bank house, 21,375*l.*; real value, 10,000*l.* Loss on bills and accounts, 30,000*l.*, value *nil.* Loss on bills of exchange, 52,500*l.*, value *nil.* Total, 213,875*l.* from which was to be deducted the estimated value, 19,000*l.*, leaving a loss of 194,875*l.*; from which, if the entire original capital were deducted, it left a loss over and above of 45,000*l.*, or, in precise figures, 45,401*l.* Now, let them suppose that that were a case of limited liabilities. The estimated loss beyond the capital was 45,000*l.*, and it would have been so had the liabilities been limited. He supposed the hon. Member for the Tower Hamlets would argue that if it were a bank of limited liabilities, those losses would never have occurred—[Sir W. CLAY: Hear, hear!]—but unless he could show some proof in support of such an argument, he (Mr. Cardwell) could not admit its force. The hon. Gentleman said that on one occasion the Bank of England, in order to prevent the occurrence of a great public calamity, advanced no less than 1,500,000*l.* to assist in preserving the credit and solvency of a great joint-stock bank in the north of England. The hon. Gentleman said that there was no opportunity—there was no time—for looking into the accounts of that bank, and the Bank of England was obliged to come down with a million and a half without knowing how the concern actually stood. That was what the Bank

of England had done for the protection of the mercantile community in the case of a bank of unlimited liability. But how would the case have stood if there had been only a limited liability? The Bank of England had before them the names of men of great and well-known capital, living in the neighbourhood of the bank, and connected with it as directors and shareholders. They saw who the shareholders were, and they said, "With the law of unlimited liabilities, we may safely advance a million and a half to save the credit of this bank." But if it had been a bank of limited liability, would they have dared to advance such a sum of money with such readiness? It was clear that in such a case the Bank of England would run no such risk. They would not venture to advance until at least they had sifted the accounts. But in this case there was, according to the hon. Baronet, no time for such an investigation. The decision of the Bank must be taken at the time, and the welfare of a large community must be affected by the result. A stronger example could scarcely have been given of the advantages of the present law. His hon. and learned Friend who had brought forward the Motion had spoken of the frauds that had been perpetrated, and of the persons who had been unwittingly drawn into joint-stock concerns, and ruined in consequence of the law of unlimited liabilities. Those were cases of great hardship undoubtedly. If there had been no such instances, he (Mr. Cardwell) should have said, "Do not be afraid of allowing limited liability. Your permission will be innocuous; for no one will deal with such a bank." But when the hon. Gentleman told him that shareholders could not be induced to look into the affairs of joint-stock banks, and that widows and orphans were ruined by going into them as shareholders, he would only reply by asking, was there to be no consideration for the widows and orphans who were the depositors in those banks? Were not those depositors to be guarded who were content with a moderate rate of interest for their money, under the impression that they could withdraw it when they pleased, but who might be told, when their money was most needed, that the bank was unable to pay, and that it was one of limited liability? Surely if shareholders could not be induced to look into the concerns of banks in which they were so deeply involved, it could not be expected the depositors would be more careful. He would venture to express his belief that, if there were one business in which, more than another, they should abstain from giving a limited liability—in which they should render it impossible for people to go and gamble with small sums of money belonging to others, it was the business of banking. Banking was to other trades as the reservoir, from which the streams of commerce were filled and regulated and kept flowing. It was to the bank they applied when they required capital. He would follow his hon. and learned Friend in all he said; he would repeat all the early part of his speech, sentence by sentence, and word by word; he would go over all the instances of suffering which the present system was said to create; and he would say, if, notwithstanding all the vigilance of private banks, notwithstanding the wide resources which joint-stock banks with unlimited liabilities command, you suffer from such great misfortunes, do not aggravate them all by adopting a system which, to use the words of Mr. Gurney, when speaking of the comparison with the existing joint-stock and private banks, "would unite all the evils of both systems, with none of the advantages of either."

Mr. W. BROWN: Sir, I dissent from most of the opinions expressed by the hon. Baronet the Member for the Tower Hamlets, as well as those of the hon. and learned Member for Newcastle-upon-Tyne; but I agree with the hon. Member for Liverpool, as I have been connected with one of the joint-stock banks in Liverpool, to which the hon. Baronet has alluded, ever since the commencement of joint-stock banking. That bank deemed it proper at an early period of their business, to send a deputation to Manchester to meet deputations from other joint-stock banks from various parts of the kingdom, to discuss the propriety of asking Her Majesty's Government to establish limited liability to shareholders; and a great majority of the trading interests there represented, repudiated limited liability. They considered it of great importance to this country that parties should know with whom they dealt; that they should have the greatest possible security for their transactions; and that a mere list of stockholders would not give them that information and guarantee which they ought to possess for the good management of joint-stock banks, and therefore no action was taken in this matter. The Bank of England, and two Scotch banks under charters of limited liability, are cited

as instances of good management, and that they have been very useful to the country, particularly the Bank of England. This last may be said to be under Government patronage and support; but as those banks are admitted to be exceptions to the general rule, I need not further allude to them; yet, I think, it can hardly be doubted, that where stockholders are liable in the whole amount of their fortunes, they will be more careful in the selection of directors than if limited liability existed, which would risk only the amount of their shares. The hon. Baronet the Member for the Tower Hamlets has quoted Mr. Gurney's evidence, where he stated that the name of a joint-stock bank on a Bill added much to its security. I quite agree with Mr. Gurney: such an endorsement gives additional credit and safety to the transaction, from the fact being known that every individual stockholder in the bank is liable in the whole amount of his fortune: if you grant limited liability to joint-stock banks, where are you to stop? Two individuals may call themselves bankers, and register limited sums in their business beyond which they would not be liable: this would in my estimation be most injurious to our national credit and interest, and ought not to be listened to. This limited liability exists in France, and is detrimental to the credit of their merchants. My hon. and learned Friend the Member for Newcastle-upon-Tyne, could not have cited a more unfortunate case for his arguments than the American banks; for of 700 or 800 that stopped payment with limited liability since 1836, it has not been the creditors only, but the stockholders too, that have been severe sufferers. The Americans have discovered their mistake, and the tendency of their legislation is to retrace their steps, and take securities from banks requiring charters for their issues, and in other cases to make a *pro rata* liability on stockholders; but as many of the old charters have some years to run, alterations cannot be made until they expire. Now, as respects joint-stock banks in England that have stopped payment, although great distress and inconvenience have arisen to creditors, I am not aware of any one who has not paid their debts in full. Some of the American banks that have stopped payment, have been mere jobs got up for the benefit of a president or a cashier, who have allowed those friends who served them to use largely of the funds of the bank, to the injury of the stockholders and ruinous loss to the public. The exhibition of accounts, as recent events show, is no security against mismanagement. During my ten years' residence in the United States it was a well-known and acknowledged practice that A endorsed for B, and B for A, and that those bills were discounted, although not based on any legitimate transaction; and, by a renewal of those bills, putting it in the power of the managers to prevent the appearance of paper remaining unpaid. In fact, there is no security for correct accounts but honesty. I do not think that joint-stock banks are better for the country than private banks. In localities where banks are wanted, if not supplied by joint-stock banks, private banks are sure to be established. I am glad to hear from the hon. Baronet the Member for the Tower Hamlets, that of one hundred failures amongst them, their average dividend was upwards of 17*s.* in the pound. Men, whose pockets are immediately to suffer from an undue extension of credit, are in general more careful who they trust than those who feel less the immediate consequence of over-confidence. My hon. and learned Friend the Member for Newcastle-upon-Tyne has alluded to an investment in the funds to sustain the credit and engagements of joint-stock banks with limited liability; but as this would require two capitals, one to secure the payment of engagements, and another to carry on business, I fear this would not hold out sufficient inducement for men to embark in those useful concerns. I feel strongly that any attempt to make limited liability would be very injurious to our best interests, both at home and in foreign countries; I, therefore, must oppose any introduction of a Bill for effecting that object.

MR. MACGREGOR believed that the greatest misfortune which could be inflicted on this country would be to establish banks in England with limited responsibility. The whole of the business in Scotland was transacted by joint-stock banks, and he was glad to know that the Bill of 1844 would cause these joint-stock concerns in this country to be conducted on such principles as would give the most extensive security to the public. Allusion had been made to a new bank in London which had been established upon the Scotch principle. He was happy to assure the House that the responsibility of the shareholders in that concern would be altogether unlimited, and that, in his opinion, joint-

stock banks, if they were conducted on the Scotch principle, were quite as safe as any other banks in the country.

Mr. HEADLAM said, that, seeing the disposition of several hon. Members to uphold the principle of unlimited responsibility, he should not put the House to the trouble of a division, but would withdraw his Motion.

Motion, by leave, withdrawn.

STATE OF IRELAND.

Major BLACKALL rose to move the Resolution of which he had given notice, namely—

"That the peculiar circumstances of Ireland, consequent upon four successive years of distress, require the immediate adoption of such measures as may assist and encourage the individual exertion of the owners and occupiers of Irish property, and promote industry by giving remunerative employment; and that all grants or loans of money to particular districts should be applied, as far as possible, to such purposes as may conduce to the eventual improvement of those districts, and enable them to support themselves from their ordinary resources."

Since he had put the notice of that Motion upon the books, he should admit that there had been several measures brought forward relating to Ireland, of the beneficial nature of which he was desirous of not being thought unmindful, and the importance of which he by no means underrated. He thanked the right hon. Gentleman the Chancellor of the Exchequer for what he had done, and for the good intentions which he had shown; but there were mistakes of a serious nature mixed up with those grants for the relief of Irish distress. In the first place, the distress in Ireland was believed to be confined to certain unions, and relief was applicable to those unions only, and not to the whole of Ireland. He believed the real effect would be, that instead of relieving these unions, they would gradually drive the rest of Ireland into a similar condition, by diminishing their resources. Another mistake was, the idea that any poor-law, however perfect in itself, could meet the case of famine in that country. However based it might be upon the best principles, it could not, unless accompanied by other and great measures, meet the present exigency. In proposing the resolution which he had the honour to submit, he was borne out in the assertions it contained by the occurrences of the last four years. In 1845 the potato disease first appeared. The right hon. Baronet, who was then in power, devised measures such as he thought necessary to meet the distress that was then impending; and the 6 and 7 Vict. c. 1, was the result. By that Act, employment upon public works was given to the people, and a new description of food was introduced into the country—a change which he (Major Blackall) considered to be highly beneficial. In August, 1846, or September, he was not very sure which, after a long and protracted Session, and after a change had taken place in the Government, the House was called upon to devise means to meet a calamity of the extent of which neither the House nor the country had then the slightest idea. The Labour Rate Act was passed. The Irish Members wanted to have the labour made reproductive, but the Government resisted it; and it was not until remonstrances had poured in from every quarter of the country against the unproductive works, that at length Mr. Labouchere's letter was published. But the Act of Indemnity which was passed in consequence of that letter was not made prospective, it was merely retrospective; and when he himself applied for money to finish works that he had commenced under Mr. Labouchere's letter, the answer he received was, that no further sessions could be held under the letter. The Temporary Relief Act, which was passed to supersede the system under Mr. Labouchere's letter, went into the other extreme. The destitute people were to receive relief, but it was denied to the ablebodied. They were obliged to come every morning to an appointed place to receive their rations, in order that their destitution might be visible. The Irish representatives and gentry again remonstrated, but to no purpose, and the system went on until 1847.

Notice taken, that forty Members were not present; House counted; and forty Members not being present,

The House was adjourned at Eight o'clock.

HOUSE OF COMMONS,

Wednesday, May 9, 1849.

Minutes.] Public Bills.—1° Cruelty to Animals.
2° Employment of Labour (Ireland).
Reported.—Attachments, Courts of Record (Ireland).
Petitions Presented. By Mr. Walter Long, from Winkfield, Wilts, against the Parliamentary Oaths Bill.—By Sir George Grey, from Clergy of the Archdeaconry of Lindisfarne, against, and by Mr. Stuart Wortley, from St. Ives, Huntingdonshire, in favour of, the Marriages Bill.—By Mr. William Brown, from Bury, and other

Places, respecting the Lancashire County Expenditure.—By Sir Henry Halford, from Hinckley, Leicestershire, for the County Rates and Expenditure Bill.—By Admiral Gordon, from Aberdeen, against the Lunatics (Scotland) Bill.—By Mr. Smyth, from York, for the Suppression of Promiscuous Intercourse.—By Mr. Mackinnon, from the Health of Towns Association, for a comprehensive Public Health Bill for the Metropolis.—By Admiral Gordon, from Slaines, Aberdeenshire, against the Registering Births, &c. (Scotland) Bill, and Marriage (Scotland) Bill.—By Mr. Blair, from Clergy of the Deanery of Bolton, for an Alteration of the Sale of Beer Act.

IRISH PROSECUTIONS—EXPLANATION.

MR. KEOGH wished to remove some misunderstanding which had unfortunately been originated by what fell from him on the prosecutions which had been conducted in Ireland. He assured the House that he had carefully abstained from any remarks of a personal nature, whether for praise or blame; and the Attorney General on that occasion did him full justice in having been able to keep to his original purpose strictly throughout. It appeared, however, that he had unintentionally given offence to a friend of his, Mr. George Bennett, the senior Crown prosecutor, on the Munster circuit, whom, if he had mentioned any one, he would certainly have mentioned with praise; for he was a gentleman who stood high in his profession, and who had merited the approbation of the public for the zeal and success with which he had conducted the prosecutions. Another gentleman, connected with the Western circuit, had also taken umbrage at the same debate—a gentleman who had always discharged his duties with zeal and ability. But, after assuring the House that he had no intention to injure the feelings or the reputation of any one, he hoped he had done his duty towards those two gentlemen.

SIR W. SOMERVILLE agreed with the hon. Member that he had spoken on the occasion referred to without the slightest personal allusion to any one.

Subject at an end.

CHICORY AND COFFEE.

MR. MOFFATT inquired of the Chancellor of the Exchequer whether it was the intention of the Government to impose any duty upon the article of chicory; and if so, whether there was any intention of reimposing the excise surveillance which had existed for so many years? He asked these questions more particularly in reference to certain memorials which had been addressed to the Government by influential parties interested in the colonies.

The CHANCELLOR OF THE EXCHEQUER said, that he had stated some weeks ago, in answer to the hon. and learned Member for Youghal, that this subject was under the consideration of the Government; and he also stated then, that which he believed to be true, that to a certain extent the use of chicory promoted the use of coffee, but that if it were employed to a great extent it would interfere unjustly both with the colonial producer and the revenue of the country. He said, also, at that time, that it would be extremely unjust to impose a duty in the course of this year on chicory, the cultivation of which had been carried on under the expectation that no duty would be imposed; but he wished persons to take warning, that if upon further inquiry it should appear that the use of chicory interfered to a great extent with the growth of coffee, a duty might be imposed upon it next year. The result of the inquiry which he had made since that time, showed that there had been a considerable falling-off in the growth of coffee, and had led him to the conviction that the use of chicory, roasted and used as coffee, had interfered to a considerable extent with the growth of coffee, to the injury alike of the colonial grower and the revenue. If further experience should show that that still went on, he should feel it necessary to impose a duty upon chicory roasted and used as coffee. It was not his intention to re-establish the excise surveillance, which he believed to be perfectly useless; but he should take the same course with regard to home-grown chicory as was taken with foreign chicory before home-grown was known—namely, to impose a small duty, which would afford the consumer the benefit of the use of chicory, whilst it would not injure the revenue or the colonies.

MR. NEWDEGATE inquired whether the duty which the right hon. Gentleman contemplated would be imposed on chicory grown in England?

The CHANCELLOR OF THE EXCHEQUER: Decidedly. It would be a duty imposed on chicory grown in England, and roasted for the purpose of being used as coffee.

MR. HENLEY asked whether the House was to understand that the British grower of chicory was to be subjected to a tax if it were used as a beverage, without being mixed with coffee?

The CHANCELLOR OF THE EXCHEQUER said, that chicory, roasted for the

purpose of being used as coffee, would be subjected to the tax.

MR. HENLEY inquired whether the right hon. Gentleman intended to tax, in the same way, burnt bread, which was not unfrequently used by the poorer classes as coffee?

The CHANCELLOR OF THE EXCHEQUER: Certainly not.

Subject dropped.

EMPLOYMENT OF LABOUR (IRELAND) BILL.

Order for Second Reading read.

MR. POULETT SCROPE moved the Second Reading of the Bill for Encouraging the Employment of Labour in Ireland. He said that, without claiming for this Bill the character of a great and comprehensive measure, he expected it would produce considerable improvement in the condition of the working classes in Ireland by stimulating employment. He proposed it not as a substitute for, but as an adjunct to, the poor-law, in the view of relieving that law from the stigma of operating as a discouragement to the employment of labour. All parties were united in one belief as to the great advantages which would result from the employment of labour, and the inadequacy of the existing means for effecting that object. Was it that the labourers were unwilling to earn their own livelihood? Was it that they preferred idleness and parochial assistance to work and wages? The right hon. Baronet the Member for Tamworth had vindicated the character of the Irish labourers from that charge; and it had been proved by experience that the labourers were willing to work, rather than have recourse to parochial relief. He confidently referred upon this point to the evidence of Colonel Knox Gore before a Committee of the House of Lords upon the Irish poor-law. That Gentleman stated that employment had produced a marked improvement in point of feeling, and that, though he at first found a difficulty in getting them to work, they worked satisfactorily in the course of a month, so that now he found that when they did a good day's labour they were greatly pleased to receive their small stipend, which was paid to them every evening in cash. It was, after such experience, a harsh, cruel, and inhuman calumny against these men to say they would not labour, the fact being that they were willing to work for the smallest possible amount to maintain themselves and their families. Ireland presented an ample field for the employment of all her labouring population, not only in the permanent improvement of the land, but in the better cultivation of the soil. The union of Glenties, in the county of Donegal, contained a population in the proportion of one soul to every 7*s.* of annual value, and this was quoted as an instance of excessive population beyond the power of the soil to maintain. But the principal proprietor in the union, stated, with all the labour he could collect from the district, he should not be able in twenty years to put his land in a state to be properly farmed, adding that there was a great want of labour to carry on the improvements which would be most profitable. What was the impediment to the carrying out of the profitable employment of labour, of which this was one among many instances? It proceeded from employers being heavily rated for the support of poor belonging to other properties; the consequence of which was, that not an inch of land could be let, and large quantities remained unproductive, The same proprietor stated that in one case he was obliged to pay 10*s.* 6*d.* in the pound for poor-rates, besides six and a half per cent instalment for the advances of Government, whilst he was not receiving anything from the land, because he could not let it. Now, he (Mr. P. Scrope) proposed to introduce the principle of individual responsibility in such cases. It might be objected that making each proprietor responsible for the poor upon his own estate, would operate as a greater encouragement to clearances than to improvements; but he would make the individual responsibility extend over a limited area, which would obviate that objection. He proposed, however, to make no alteration in the law, with regard to area, or in the general congregated responsibility of owners and occupiers in the electoral division. He took that as it stood; but if the owners and occupiers of a limited district, whether a townland, or part of a townland, were able to give employment, he proposed to exempt them from the liability to maintain the ablebodied population upon their giving employment to their fair proportion of that population. For this purpose, he should propose a census to be taken. The plan which he proposed secured not only the means of employing labour, but it was the only way of giving protection to the improving landlord. Some of the witnesses were asked before the Committee now sitting, what they would think

of paying their rates in work; and the reply was, "We now pay 6*s.* in the pound; if you adopt that principle, you may make the rate 12*s.*, if you like." Mr. Napier, of Loughcroo, and other gentlemen of the highest experience and authority in Ireland, had declared that the principle of this Bill might be successfully carried into practice. He might state, as another excuse, why he, an English Member, should bring in a Bill affecting Ireland, that he was himself aware of the principle which he wished to have adopted, having been most successfully acted upon in a parish in this country; and the principle was introduced into England before it was sanctioned by the Legislature in 1832: it was practically adopted by select vestries, they dividing the ablebodied paupers amongst themselves to lessen the poor-rates. The particular parish to which he referred was the parish of Farnham, in Surrey, a large parish, from 8,000 to 10,000 acres. He quite admitted that this Bill should only be tried as an experiment, and he therefore proposed to limit its operation to two years. There was at present a perfect paralysis in the labour market of Ireland, and before they could expect the proprietors to employ the labourers on their estates, they should give them some security against being overwhelmed with poor-rates for the support of the paupers on adjoining properties where no employment was afforded. He would ask the House to compare the effect on a person, about purchasing property in the west of Ireland, between telling him that his poor-rates would not exceed 7*s.* in the pound, and telling him that if he purchased an entire townland, and employed a certain number of labourers upon it, he should have no poor-rate to pay at all, except what was required for the relief of the sick poor. He trusted that the House would not hastily or contemptuously reject this measure, and he would add that he had no objection to its being referred to the Select Committee now sitting on the Irish poor-law.

Mr. W. FAGAN seconded the Motion.

Motion made, and Question proposed, "That this Bill be now read a Second Time."

Bill read 2°, and committed.

Sir W. SOMERVILLE appeared to be about to address the House, but, delaying for two or three moments, was informed by Mr. Speaker that it was then too late to address the House, as the Motion had been agreed to.

Motion made, and Question proposed, "That this House will, upon Friday next, resolve itself into the said Committee."

Sir W. SOMERVILLE said, that he thought what had just occurred must prove to his hon. Friend, that he was not very anxious to oppose any measure that his hon. Friend thought it his duty to introduce to the House. He could assure his hon. Friend that the measure would not receive at his hands—to use his own words—any contemptuous rejection; because he fully appreciated the hon. Member's motives, and he believed that every Gentleman connected with Ireland owed his hon. Friend a debt of gratitude for his persevering attempts to alleviate the miseries which unfortunately afflicted the poorer classes in Ireland. If his hon. Friend had moved that the subject be referred to the Select Committee now sitting, he, for one, should have been ready to give it his best consideration then; but after the course which his hon. Friend had taken, he felt that he had now no alternative but to oppose the Motion for referring the Bill to a Committee. He believed that few questions had been more debated than the question of forced labour, which was, after all, the principle of the Bill; and the general impression seemed to be that such a system was most demoralising to the labourer. His hon. Friend had referred to the evidence taken before the Committee upstairs; but he had not noticed the fact that Mr. Twisleton, who had much experience in the working of the law in Ireland, had stated in his evidence that all the objections that could be urged against forced labour in England, applied with tenfold force to Ireland. The proposition of his hon. Friend was a departure from the great principle, which it was so necessary to adhere to, of keeping labour and relief completely distinct. Under this Bill the labourer, feeling that he worked not for profit but for relief, would give as little work as he could for the money which he received. His hon. Friend said, that in some parishes in England the system worked well. That might be the case, and he believed that in some parts of Ireland, for instance in the county with which he was connected, the system would work well; but then there were other parts, such as the pauperised districts of Mayo, Galway, and the other parts of the west of Ireland, where the system would be most prejudicial. He did not wish at the present time to allude to the details of the measure; but if hon. Members would look to the clauses, they

would see that its author contemplated considerable difficulty in carrying it out, by the number of safeguards he had provided; and he particularly referred to the sixth clause, where his hon. Friend attempted to provide against fraud by the infliction of penalties, which, however, he (Sir W. Somerville) was satisfied would have no effect whatever. He would not enter further into the details of the Bill, but would content himself by observing that, as his hon. Friend had not thought fit to refer it to a Select Committee (in which he should have been glad to consider its provisions), but at once to a Committee of the whole House, he should feel it his duty to move, as an Amendment, that the Bill be committed that day six months.

SIR G. GREY seconded the Motion.

Amendment proposed, to leave out the words "Friday next," and insert the words "this day six months," instead thereof.

MR. POULETT SCROPE said, he had no objection to adopt the course of sending the Bill before the Committee now sitting on the Irish poor-law, if that would meet the views of the right hon. Gentleman.

MR. F. FRENCH could not concur in the objections of his right hon. Friend the Secretary for Ireland to this Bill. It was perfectly true that the system embodied in this Bill had been tried in this country, and that it had not worked successfully or satisfactorily. But the circumstances of the two countries were entirely different. If the system had failed in this country, it was owing to the absence of that stimulus which now existed in great force in Ireland, and which would force the farmers of that country to evince a great desire to carry out this proposition of the hon. Member for Stroud—he alluded to the stimulus which the present destruction of property in Ireland (caused by mislegislation) administered to every Irish farmer to adopt every conceivable means to remove the crushing burden of poor-rates from his shoulders. Some of the ablest and most practical men in Ireland had given their opinion that this measure would work well. If the Legislature would adopt a reasonable view of the case of Ireland, and listen to the opinions of the residents of Ireland, they would know that if the people of that country were permitted to apply their means for the employment of labour, they would save the whole expense of the staff of the workhouses, from one end of the country to the other. But instead of thus judiciously applying the funds derived from the poor-law, they were paying nearly two millions to soldiers every year, for the purpose of collecting a rate from persons who were themselves almost in a state of starvation, and whose condition, bad as it was at present, was likely to be still worse. Nearly one-third of the land in the west of Ireland was now lying in a state of waste. In Mayo the grass lands, which had always been considered one of the strongholds of the wealth of Ireland, were now lying waste. The condition of Ireland was becoming worse and worse every day—the people without labour, and the landlords without rents. He himself was cognisant of one case in Tipperary, in which a gentleman who had 8,000*l.* due to him from his tenants, had only been able to collect 35*l.* Generally speaking, his conviction was, that it was of no use stimulating the people to an improved cultivation of the land, or devising modes for the employment of labour, unless better means of conveying produce to market than existed at present were projected and carried into execution.

MR. SLANEY would venture to ask the House to recollect the numerous evils that prevailed throughout twenty-five of the southern counties of this kingdom some years ago, in consequence of the operation of a scheme such as that which the hon. Gentleman now proposed to introduce into Ireland. And he would ask them to be careful before they adopted such a plan, without having it guarded, at all events, from those evils which in this country were found to have been of so lamentable and demoralising a character. He gave the hon. Member for Stroud every credit for the benevolence of his intentions; but he believed that if this measure were carried into effect, it would have a tendency not to improve, but permanently to depress the condition of Ireland. If, however, in the present extraordinary state of Ireland, it were carried out for a period of two years, it might possibly assist the people of that country to pass through a state of transition from extreme misery to improvement; and entertaining such a view of the measure, he would vote for its operation during that limited period, on the understanding that in Committee every possible means should be adopted to guard it against the evils which were attached to the system when it was in force in England.

MR. R. M. FOX believed that some such measure was required for the present state of Ireland. He believed that if they adopted the proposal to exempt from the

payment of poor-rates such as might, under this measure, give employment to the ablebodied poor in Ireland, they would drive out of that country its greatest enemy —a congestion of population in distressed districts—and effectually and economically expend their charitable relief funds. He did not look upon this measure as a counterpart of the Labour Rate Act; it was an enabling Bill—that was to say, it would enable the farmers and occupiers of land to discharge those duties which, under the present system, they were compelled to neglect.

Mr. SHARMAN CRAWFORD would ask the House if something should not be done to encourage the employment of the people of Ireland? He did not mean to say that the present measure would do everything that was required, or that it was not liable to some objection. But he put it to the House whether every measure was not liable to objection more or less grave, and whether it would not be well to adopt a plan which would at least do some good, even although it might not be wholly unobjectionable? It was objected to it that it would demoralise the people; but the present poor-law was demoralising the people to a frightful extent, and the present Bill was proposed for the purpose of preventing some portion of the demoralisation which the poor-law was producing. It need not be made a general Act. It might be limited to certain unions; and he himself would be favourable to its limitation. He thought that Ireland was in a transition state. The present measure was suited to a country in a transition state; and, in fact, no measure and no system could be devised which would be applicable without certain limitations to the condition of Ireland. He implored the House not to reject the Bill. They might make such modifications in it as would make it more suitable to the circumstances of the case; but he begged of them at least to give it a trial.

Mr. J. E. DENISON supported the Bill. They had evidence that while numbers of the ablebodied poor were unemployed and destitute, large tracts of land were remaining uncultivated for the want of the seed to put into it. If assistance were at once given to enable the people to raise grain crops on those lands, it was possible that the progress of the famine might be stayed; but unless such assistance was immediate, there would be but little chance—seeing that we had now reached the month of May—of those lands being turned to any good account during the present year. He wished to know from the Government whether they contemplated any measures for bringing these lands into cultivation, and thus providing food for the people? It might be said the principle now proposed had been tried in England, and failed; but the circumstances which now prevailed in Ireland had never existed in England, and there was, therefore, no analogy.

Sir G. GREY said, that the Bill having been read a second time rather by accident than otherwise, he thought the House might fairly be called upon to vote upon the principle of the measure in this further stage of it; for if it were now allowed to go into a Committee, it might be concluded that the House had assented to the principle which the Bill involved. He should, therefore, take issue upon the principle of the Bill by opposing its going into Committee. The principle of the Bill was to reduce all labour to the standard of pauper labour, and to reduce wages to a minimum. The hon. Member for Stroud required that a certain number of persons should be employed according to the extent of the estate of the landlord, and the same rate of wages was to be given. Now, the House was not altogether ignorant of what would be the practical effect of such a measure, because they had had the experience of the operation of a similar plan as applied to England. Some years ago, just such a Bill as this was tried in England; and he believed the most convincing testimony was afforded that the principle of the measure was vicious, and tended to defeat the object they all had in view, that of affording legitimate employment to labour and capital. The Poor Law Commissioners had, in their report, adverted to this point, and had given it as their opinion that it would be an attempt to coerce the occupiers of land to employ labour, instead of encouraging them to employ it voluntarily, and therefore profitably. He would not go into the objections which he entertained to the details of the Bill. He thought the provisions of it were utterly impracticable. His hon. Friend the Member for Malton had expressed a hope that it would be in his (Sir G. Grey's) power to state to the House, on the part of the Government, that they had some plan in contemplation for the remedy of the evil which it was admitted on all hands existed in Ireland

—that of thousands of ablebodied men standing idle on thousands of acres of uncultivated but improvable land. He had only to repeat what had been already stated to the House, that Her Majesty's Government had no plan which, by direct interference of the Government or of the Legislature, could meet the evil which had been pointed out by his hon. Friend. He believed that the remedy, and the only remedy, was to be found by the land being allowed to go into the hands of persons who possessed capital, and who had sufficient skill, and the necessary spirit of enterprise to use it. He might observe that from recent information he had received from Ireland, more especially from the Ballina union, he believed there existed a disposition on the part of those persons who had succeeded to the occupation of land which had been deserted by those who could not pay their rent, to apply their energies to its cultivation; and that a much more wholesome state of things prevailed between the landlords and that class of solvent tenant farmers. He had had put into his hands a letter by an hon. Member, whose brother, having realised a competency in a manufacturing town of England, went over to see the west of Ireland last year, and, having determined to settle there, had taken in perpetuity 1,000 acres of land. The writer stated, that even from his very limited experience he considered his prospects to be anything but dispiriting or discouraging; that he had no doubt that with the capital and energy he possessed, and with a willingness on the part of the people to give their labour for wages which in this country would be considered low, but in Ireland were thought to be extraordinarily high—being 8*d.* a day—he should realise an adequate return for his capital. It was by a process like this that the real cure of the evils existing in Ireland was to be attained. He wished, however, to be considered, in making these observations, to be answering the question put to him by his hon. Friend the Member for Malton, and not to be addressing himself to the remedy which had been proposed, by reducing the extent of the area of taxation. In reference to the Bill before the House, he certainly did not believe it would effect the object which his hon. Friend the Member for Stroud had in view; and although it was proposed to be a temporary measure, yet it became necessary for the House carefully to guard themselves against sanctioning a principle which was in itself vicious. He hoped, therefore, the House would not agree to refer this Bill to the Committee now sitting on the Irish Poor Law. If it should be the pleasure of the House to assent to the second reading—which, in point of fact, had by an accident already taken place—then he hoped he had stated grounds sufficient to induce them to think that it ought not to be referred to the Committee upstairs, but that it should at once go into a Committee of the whole House. But, disapproving as he did of the principle of the Bill, he should cordially assent to the Motion that it be committed that day six months.

Mr. STAFFORD was sorry that the reports which he received from Ireland were not of so cheering a nature as those which had been received by the right hon. Baronet the Home Secretary. He feared that the ray of hope had only glimmered upon one side of Ireland, while the other portions were plunged into still darker despair and gloom. He attributed much of the existing evils of Ireland to the extended area of taxation. In the county with which he was connected—the county of Clare—in that county the right hon. Baronet stated that there had been upwards of 15,000 evictions. That might be all very true; but if any hon. Member would inquire he would find that the greatest number of evictions had taken place in those electoral areas which were the largest; and it would appear that the numbers were just in proportion to the extent of the area. One witness before their Committee had declared that, in some instances, the area extended to as many as 12,000 acres, in others to more, and in one instance to as many as 17,000 acres. After all, the question would still and still revive—what was an ablebodied labourer? Here was a great practical difficulty in giving a proper answer to that question. In order to carry out the full principle of the Bill, they must give a ratio of wages on which all persons should be bound to act; and without some such provision as this, they would be adopting a principle which, obnoxious in England, would be perfectly impracticable in Ireland. The hon. Gentleman who had so strongly put to the House the idea of so many labourers in Ireland standing idle on so many thousand acres, had said, let this arrangement be left to the board of guardians. With this suggestion he quite agreed, for every Bill that had lately been laid on the table of

the House had had the effect of increasing more and more the power in the hands of the central commissioners in Dublin. This, to say the least of it, was an unwholesome doctrine, and he conceived that the greater the check given to such a system the better. Wherever the guardians did their duty, he should say, leave the arrangements of all their local affairs to local management. The objections which he entertained to the Bill of the hon. Gentleman were not those which could be remedied in Committee. Unless they settled the mimimum rate of wages, the whole question would remain open, and be the subject of continual dispute. They could not possibly establish any tribunal competent to decide upon the questions which would arise. If they established the boards of guardians as the tribunal, they would have more to do than they could possibly accomplish; and if they appointed only one person, he would be open to all kinds of bribery and influence, his decisions would be contested, and the Bill could not possibly work. There was not a single alteration in the poor-law which did not throw overboard more and more the power of the country gentlemen and the boards of guardians, and place them more and more at the mercy of a central board. From these considerations he found himself irresistibly compelled to vote against the measure of the hon. Gentleman the Member for Stroud.

COLONEL DUNNE agreed that the principle of employing the people by a labour-rate was bad. It had failed in England, and could not possibly be rendered practicable in Ireland. But that was not the object of this Bill. It was only proposed to carry out the principle which had already been found successful in Ireland, namely, that of voluntary associations for the employment of labour. He certainly considered the details of the Bill to be objectionable; but as those could be altered in Committee, he should give his support to the Motion of the hon. Member for Stroud, preferring that the Bill should go into Committee of the whole House rather than be sent to the Select Committee on the Irish Poor Law now sitting upstairs. He maintained that it was the poor-law which had brought Ireland into its present state; for, although it was impossible not to allow that many had been rescued from starvation by the money applied by the poor-law, yet it was equally impossible to deny that much destitution had been reproduced by the operation of the enactments of that very law. The present state of Ireland demanded that they should depart for a time at least from the principles of an ordinary poor-law, and have recourse to extraordinary means, and that was what the measure of the hon. Member for Stroud proposed to do. The hon. Member proposed it only for a time. If the experiment succeeded, they could continue it; and, if not, they could withdraw it. For himself, he believed it would succeed, and therefore he should give it his cordial support.

VISCOUNT BERNARD contended, that the measure was utterly impracticable, and that, even if it were practicable, it was irredeemably bad in principle. He maintained that much of the absence of employment in Ireland was occasioned by the indecision of Government as to the course they meant to pursue with reference to the area of taxation. He assured the Government that the question was one of surpassing interest among all parties in Ireland. He had attended many meetings of poor-law guardians in that country, and the universal cry was "Establish a small area of taxation, and we will soon take the people out of the workhouse." He hoped the House would not pass the present Bill, for it would afford no remedy to the existing evils.

MR. REYNOLDS said, that in the belief that much of the misery of Ireland was to be ascribed to the absence of employment for the ablebodied poor, and thinking that the Bill of the hon. Member for Stroud would tend to promote such employment, he should give that measure his support. The hon. Member for Northamptonshire had proposed a reduction in the area of taxation, on the ground that if the change were made, and an ablebodied man found himself without employment, he would apply to the guardians, who would give him outdoor relief. Now, what was that outdoor relief? Outdoor relief, in his opinion, meant outdoor starvation — outdoor relief meant, reducing an ablebodied man to a helpless skeleton — outdoor relief meant, the depopulation of Ireland. What was the amount of that relief? One pound of Indian meal to each adult pauper within the 24 hours, and half that quantity to a person under age. In the majority of unions in Ireland, the adult who received that amount of food had not fuel to dress it with. That was what was called relief throughout half of Ireland, and the people

were sinking into their graves by the hour, whilst the British Parliament were quietly urging the adoption of the rigid principles of political economy towards the sister country. He had hailed with satisfaction the statement which the Chancellor of the Exchequer had read from Mr. Bourke, the Irish Poor Law Commissioner, that distress was diminishing in the Ballina union. But although that might be the case in that union, he (Mr. Reynolds) believed that distress was increasing with railroad rapidity in other districts of Ireland. He held in his hand an account of deaths which had occurred from starvation in Ireland. It stated that the people were not only dying by thousands, but that such was the poverty of the country that coffins could not be procured in which to bury the dead, and that the naked bodies were left exposed without burial. He would trouble the House with one extract from that account; and when the right hon. Gentleman the Secretary of State for the Home Department had heard the recital, he felt sure that it would draw from his humane and benevolent mind something more than a simple response of compassion. The case to which he referred was copied by the *Freeman's Journal* from the *Tralee Chronicle* :—

"At the meeting of the Tralee board of guardians on Tuesday Mr. John Twiss, of Haremount, related to us the following horrifying circumstance :—A farmer named Daly, of Killackeen, in the parish of Dysert, in the previous week, lost a mare in fever. In two hours after the skin was taken off the entrails and head were seized upon by some squalid wretches and devoured! This occurred within a musket-shot of Mr. Twiss's house. And yet we have a board of guardians, relieving officers, with rates upon rates, wrung from many who are themselves paupers, or descending rapidly to that class. Mr. Twiss, who is himself a guardian, and an attentive one, should have brought this frightful affair before his brother guardians. Mr. Twiss informed us also, that a poor man in his locality, who had succeeded in procuring a coffin for his brother, was obliged to leave it on the road, within two miles of the hovel where the dead man lay, and died on the spot, the victim of that exhaustion and physical debility which what is called outdoor relief is every day producing, and which had already, bit by bit, crushed the life from the once vigorous frame of his brother. They were buried next day in the same humble grave."

He invited the attention of the House to those accounts, which would show that the people of Ireland were being decimated at a greater rate than our soldiers had been in our most glorious battles. What, again, according to the evidence of two witnesses examined yesterday before the Committee, was going on in Galway? [Sir G. GREY intimated that such evidence had not yet been reported.] He could have wished to have been able to report that evidence, as it would exhibit a fearful amount of destitution. In the Clifden union, also, of which so much had been heard, the people in the receipt of outdoor relief were not treated better than were the hounds in the kennels. In Galway, as it would appear, from the statement of Mr. Eastwood—an English adventurer, but a very honourable adventurer—that, in addition to the erection of auxiliary workhouses, 200 persons were crammed into the ordinary workhouses almost in a state of nudity. In Ballinasloe, again, which, under the resident landlordship of the Earl of Clancarty, was before the famine one of the best ordered towns in Ireland, the distress was of the most fearful character. Twelve auxiliary workhouses had been erected, and it appeared that 100 paupers had died in the course of a week. From one calculation it would appear that the numbers of paupers in the workhouse exceeded the population of the town itself. In the teeth of these facts, the House went on from day to day experimenting with the cold and iron-hearted principles of political economy. Without pledging himself to the details of this measure, he was prepared to support its principle; and considering the rapidity with which the House had agreed to the second reading, he did not anticipate any objection to its being referred to a Committee. At present, in portions of Ireland, 5 per cent of the people were, from physical disability, unable to work. And unless a remedy for the evil were applied, the remainder of the population would be reduced to the same condition; and if they would not support them in the workhouses, they would soon have to support them in the hospitals. And here he could not help deprecating the course recommended by certain English political economists, who were anxious, at a time when Ireland was plunged into such deep distress, and the cholera morbus threatening to attack that country, to effect cheeseparings in the public expenditure, by withdrawing from the Dublin hospitals, even the usual annual Parliamentary grants which had been enjoyed by them long before the time of the Union. He found that in the Richmond Surgical Hospital the Whitworth Medical or Chronic Hospital, and the Hardwick Fever Hospital, no fewer than 4,804 per-

sons had been admitted, 4,484 discharged, and 358 died, during the year ending December, 1848. This afforded an estimate of the numbers that would be annually deprived of hospital relief in Dublin if these hospitals were closed. But, returning to the proposal of the hon. Member for Stroud, the principle of it was simply to exempt the districts that gave employment to the poor, and place the burden upon grass-lands, that might or might not be cultivated. Now, the best calculations showed that it would take twenty men to cultivate, by spade husbandry, 100 acres of land in a year. And 1,000 acres, therefore, would give employment to 2,000 persons, at spade husbandry; but 1,000 acres of grass land would only require two men to superintend the cattle or sheep feeding upon them. So that whilst the plan of the hon. Member for Stroud would force the owners of the soil to employ the people upon it, it would have the additional effect of largely increasing the amount of agricultural produce. He trusted the House would allow the Bill to go before the Committee; and if it required improvement, it might get it there.

SIR A. B. BROOKE entirely concurred in the object sought to be attained by the Bill, but could not agree in the plan by which it was proposed to be carried out. He believed it would be quite impracticable to carry it out in the southern and western districts of Ireland, owing to the indolent habits that had been engendered amongst the people by the vicious system of outdoor relief. During the recent calamities the Society of Friends had offered the peasantry seed gratuitously in the west of Ireland; but the people actually refused to accept it, because they would not take the trouble of putting it into the ground so long as they could obtain outdoor relief. He entreated the House to adopt measures to compel absentee landlords who did not reside six months in the country, to employ people in developing the resources of the soil, because he believed that that would be the only effectual means of meeting the necessities of the case.

MR. O'FLAHERTY begged to express his dissent from the statement of the last speaker, that the people of the distressed parts of Ireland were indolent and indisposed to work. The fact was, that most of them had suffered so much that they were unable, though willing, to work; and he regretted to have to concur in the painful representations given by the hon. Member for the city of Dublin of the distressed state of Galway.

SIR H. W. BARRON felt embarrassed about the manner in which he should vote upon this Bill; because, whilst its objects were not only legitimate, but most desirable, and whilst all who were really acquainted with the state of Ireland practically must be ready to grasp at any measure likely to give additional employment, or incentives to employment, in that country; nevertheless, he was afraid that the Bill, good as was its principle, would fail in carrying out its objects: still, he should vote for referring it to a Committee. But he must tell Her Majesty's Government that all their legislation to stimulate employment, and the investment of capital in land, or to amend the poor-law, would be perfectly nugatory and useless so long as they allowed the enormous size of the electoral divisions to remain in their present state. In the largest electoral division in the county of Waterford — that of Ardmore, in the union of Dungarvon — the evictions within six months numbered no fewer than 600, being at double the rate of the evictions in any other electoral division in the entire county. This proved that the larger the area of the electoral division, the more certain were they that evictions by wholesale would take place within them; and the reason was this — that the man who turned out forty or fifty poor people in a large electoral division, did not have to pay for their support himself, but only shared the burden with nine or ten other landlords in the same district. Now, if we reduced the area, so as to make him pay for the support of the whole forty or fifty evicted persons, instead of for a proportion of, perhaps, only five of them, as was often the case under the large area, that proprietor would be led to hesitate before he adopted a course which would only be injurious to his own interest. This was the prime injustice and most prominent evil of the existing poor-law: it destroyed all chance of its having its proper effect; and unless the Legislature applied a bold and suitable remedy, all their mere tinkering and patching would be utterly useless.

MR. LAWLESS would give his cordial support to this measure. He was not aware, until informed of the circumstance when he came into the House, that the happy accident of the Ministers being asleep had secured the second reading of this Bill; and if similar results were to follow, it might be a very good thing for Ire-

land if they continued asleep for fifty years longer. Under the present circumstances of Ireland he could not refuse his assent to any measure that would have the effect of saving life; but he called upon the Government to bring forward a large and comprehensive scheme to meet the present evils of that unfortunate country.

Mr. POULETT SCROPE said, before the House went to a division he wished to explain one matter. He feared they were about to divide under a misapprehension as to what passed between him and the right hon. Baronet the Secretary for Ireland. The right hon. Baronet, on the part of the Government, stated, that if he (Mr. P. Scrope) had proposed to refer the Bill to the Select Committee, he should not object to it. The moment he announced his acquiescence in that proposal, the right hon. Baronet dissented from it instantly. He was in the hands of the House; but he wished to say he would be perfectly satisfied to refer the Bill to the Committee on the poor-law upstairs, and hoped the House would not dismiss summarily a measure which had been supported by all the Irish Members except those who had some crotchet about diminishing the area of taxation.

Sir W. SOMERVILLE said, the hon. Member for Stroud had misrepresented him, though, he was quite sure, unintentionally. What he had said was, that if the hon. Member had invited him to consider the question in Committee upstairs, he should have been very happy to give it the best consideration in his power; but as the hon. Member had thought fit to launch his Bill before Parliament without having taken such a step, he (Sir W. Somerville) must oppose it. The fact was, the hon. Member was anxious to do two things—to make a speech, and to refer his Bill to a Committee. But he could not do both.

Question put, "That the words 'Friday next' stand part of the Question."

The House divided:—Ayes 41; Noes 166; Majority 125.

List of the Ayes.

Barron, Sir H. W.	French, F.
Blackall, S. W.	Grace, O. D. J.
Blair, S.	Greene, J.
Blake, M. J.	Harris, hon. Capt.
Boldero, H. G.	Hodgson, W. N.
Dawson, hon. T. V.	Hornby, J.
Denison, J. E.	Ker, R.
Drummond, H.	Lawless, hon. C.
Dunne, F. P.	Lushington, C.
Fagan, W.	Macnaghten, Sir E.
Fox, R. M.	Meagher, T.
Mowatt, F.	Salwey, Col.
O'Connor, F.	Scully, F.
O'Flaherty, A.	Sheridan, R. B.
Osborne, R.	Stuart, Lord D.
Pearson, C.	Sullivan, M.
Pechell, Capt.	Tenison, E. K.
Perfect, R.	Thicknesse, R. A.
Pinney, W.	Williams, J.
Rawdon, Col.	TELLERS.
Reynolds, J.	Scrope, P.
Sadleir, J.	Crawford, S.

List of the Noes.

Abdy, T. N.	Foley, J. H. H.
Alexander, N.	Fordyce, A. D.
Anson, Visct.	Forster, M.
Arkwright, G.	Fortescue, C.
Armstrong, R. B.	Freestun, Col.
Bailey, J.	Frewen, C. H.
Barrington, Visct.	Fuller, A. E.
Bass, M. T.	Gaskell, J. M.
Bateson, T.	Gibson, rt. hon. T. M.
Berkeley, hon. Capt.	Glyn, G. C.
Berkeley, hon. H. F.	Gooch, E. S.
Berkeley, C. L. G.	Gore, W. R. O.
Bernal, R.	Greene, T.
Bernard, Visct.	Grenfell, C. P.
Bourke, R. S.	Grenfell, C. W.
Boyle, hon. Col.	Grey, rt. hon. Sir G.
Bramston, T. W.	Grogan, E.
Brotherton, J.	Hale, R. B.
Brown, W.	Hardcastle, J. A.
Buck, L. W.	Harris, R.
Buller, Sir J. Y.	Hawes, B.
Bunbury, W. M.	Hay, Lord J.
Busfeild, W.	Headlam, T. E.
Carter, J. B.	Heathcoat, G. J.
Caulfeild, J. M.	Henley, J. W.
Cavendish, hon. G. H.	Henry, A.
Chaplin, W. J.	Herbert, H. A.
Clay, J.	Heywood, J.
Clements, hon. C. S.	Heyworth, L.
Clifford, H. M.	Hobhouse, rt. hn. Sir. J.
Clive, hon. R. H.	Hobhouse, T. B.
Clive, H. B.	Hodges, T. L.
Colebrooke, Sir T. E.	Hood, Sir A.
Coles, H. B.	Hope, Sir J.
Conolly, T.	Houldsworth, T.
Craig, W. G.	Howard, hon. C. W. G.
Crowder, R. B.	Howard, P. H.
Cubitt, W.	Hughes, W. B.
Dalrymple, Capt.	Hutt, W.
Davie, Sir H. R. F.	Jackson, W.
Denison, E.	Jervis, Sir J.
Dodd, G.	Jones, Capt.
Drummond, H. H.	Kershaw, J.
Duckworth, Sir J. T. B.	Labouchere, rt. hon. H.
Duncombe, hon. A.	Lacy, H. C.
Duncombe, hon. O.	Langston, J. H.
Duncuft, J.	Legh, G. C.
Dundas, Sir D.	Lemon, Sir C.
East, Sir J. B.	Lewis, rt. hn. Sir T. F.
Ellis, J.	Lewis, G. C.
Elliott, hon. J. E.	Lewisham, Visct.
Estcourt, J. B. B.	Lindsay, hon. Col.
Evans, J.	Lockhart, A. E.
Evans, W.	Lygon, hon. Gen.
Farnham, E. B.	Mackinnon, W. A.
Farrer, J.	M'Gregor, J.
Fellowes, E.	Maitland, T.
Ferguson, Sir R. A.	Marshall, W.
FitzPatrick, rt. hn. J. W.	Meux, Sir H.

Miles, P. W. S.	Somerville, rt. hn. Sir W.
Miles, W.	Spooner, R.
Milner, W. M. E.	Stafford, A.
Monsell, W.	Stanley, hon. E. H.
Moody, C. A.	Stansfield, W. R. C.
Muntz, G. F.	Stanton, W. H.
Mundy, W.	Strickland, Sir G.
Newdegate, C. N.	Tancred, H. W.
Newport, Visct.	Thompson, Col
Oswald, A.	Thornely, T.
Packe, C. W.	Tollemache, J.
Paget, Lord A.	Townshend, Capt.
Pakington, Sir J.	Tyrell, Sir J. T.
Parker, J.	Verner, Sir W.
Patten, J. W.	Vesey, hon. T.
Pilkington, J.	Vyse, R. H. R. H.
Portal, M.	Walsh, Sir J. B.
Pugh, D.	West, F. R.
Rice, E. R.	Willyams, H.
Roebuck, J. A.	Wilson, J.
Russell, F. C. H.	Wodehouse, E.
Rutherfurd, A.	Wrightson, W. B.
Shirley, E. J.	Young, Sir J.
Slaney, R. A.	TELLERS.
Smith, rt. hon. R. V.	Hill, Lord M.
Smollett, A.	Bellew, R. M.

Words added.

Main Question, as amended, put and agreed to.

Bill put off for six months.

BRIBERY AT ELECTIONS BILL.

The House went into Committee on the Bribery at Elections Bill.

SIR J. PAKINGTON said, that after the decision at which the House had arrived on a former day on the first clause of this Bill, which had reference to the declarations to be made by Members at the table, he had postponed it for the purpose of considering what should be done with the remaining clauses. He had some hesitation, after that decision, on a point to which he attached some importance, whether he should go on with the Bill; but understanding that some influential Members of the House were desirous to have a portion of the Bill preserved, he wished to give notice that although it was not then his intention to proceed with those portions of the measure, he did intend on a future day to do so. After the decision which had been pronounced, he did not intend to ask the House to assent to the declarations which it was proposed should be made by Members at the hustings, and by agents; but there were other clauses—beginning, he thought, with the sixth—which he considered it was desirable that the House should pass, and he proposed to fix the Committee for a future day, with a view to take those clauses into consideration.

COLONEL SIBTHORP thought he had reason to complain of the course which had been taken with respect to the measure by the hon. Baronet. He distinctly understood from the hon. Baronet the other night that he would give up the Bill altogether, and, believing that he would adhere to that declaration, he Colonel Sibthorp) had walked away delighted. Being impressed with the conviction that this Bribery Bill would not come on during the Session, he told other hon. Gentlemen to feel as comfortable as he did, and went away; but, to his surprise, he subsequently heard from the hon. Baronet that he thought he would bring it on at half-past eleven o'clock at night. There was an old saying, "Catch a weazel asleep," and he (Colonel Sibthorp) would not be caught asleep again. He would trust to no one at all; he would say to hon. Gentlemen —be on your guard, for there was so much chicanery going on it was impossible to know what to believe. He should in future watch the hon. Baronet as a cat watches a mouse, and oppose him in every measure of a similar nature.

MR. VERNON SMITH thought it would be advisable for the hon. Baronet to state precisely what he intended to do with respect to the Bill.

SIR J. PAKINGTON thought the House would agree with him in thinking that nothing had fallen from the hon. and gallant Gentleman the Member for Lincoln that was worthy of notice. [COLONEL SIBTHORP: Hear, hear!] With respect to what had fallen from the right hon. Gentleman the Member for Northampton, he admitted there was some practical difficulty in dealing with the matter. As he had before said, it was not his intention —in consequence of the division on a former day, to proceed with the declarations, but he intended to proceed with other parts of the Bill. It was only in deference to the opinion of very high authorities in the House, that he intended to persevere with the latter portions of his Bill. He did not mean to press then the earlier clauses, but it would still be competent for any hon. Member to take what course he pleased with respect to them.

MR. GREENE suggested that the better course would be to strike out in Committee the whole of the first six clauses, and leave the remainder of the Bill to be dealt with on a future occasion.

SIR J. PAKINGTON said, that he had no objection whatever to that course.

Clauses 1 and 2 were then struck out.

On the question that Clause 3 stand part of the Bill,

COLONEL SIBTHORP said, that he certainly could not understand what the Committee were about; and moved that the Chairman report progress, and obtain leave to sit again.

MR. VERNON SMITH thought that if the hon. and gallant Member wished to get rid of the Bill, he could not do so by better means than getting rid of it clause by clause, as the Committee were now doing.

COLONEL SIBTHORP said, that what he wanted was, to get rid of the Bill, and the hon. Baronet too.

After some further discussion, the Motion was withdrawn, and Clauses 3 to 6 were struck out of the Bill.

SIR J. PAKINGTON then moved that the Chairman report progress.

House resumed; Committee report progress; to sit again on Wednesday, 6th of June.

SMITHFIELD MARKET COMMITTEE.

MR. STAFFORD moved that Mr. Eliot Yorke be discharged from further attendance on the Select Committee on Smithfield Market, and that Sir De Lacy Evans be added to the Committee.

MR. MACKINNON opposed the Motion on the ground of the unprecedented and unusual course adopted by the hon. Member in making the Motion. No communication had been made by the hon. Member to the Committee of his intention to bring forward such a Motion. As Chairman of the Committee, he believed that he expressed correctly the opinions of the other Members of the Committee, when he said that they were perfectly satisfied with the Committee as at present constituted. There had been an ample attendance of the Members of the Committee during its proceedings, never less than thirteen out of the fifteen Members, and he could not conceive any possible reason for making any alteration in the Committee.

MR. B. OSBORNE said, that however unprecedented the course might be that was followed by the hon. Member for Northamptonshire, he believed that he was entitled to the thanks of persons connected with very great interests both in the metropolis and in the country, for the course he had pursued. However well some Members of the Committee might be satisfied with the constitution of the Committee, the butchers of the metropolis and the graziers of the country were far from being satisfied with it. It was not at all unreasonable that the hon. Member for Northamptonshire, knowing that those parties were dissatisfied with the Committee, should endeavour to have some hon. Member on the Committee to represent the interests of a most deserving body of men. Without intending any disrespect to Mr. Eliot Yorke, who, he believed, had not attended the Committee at all, he thought his place would be better supplied by the hon. and gallant Member for Westminster. Another reason why a metropolitan Member should be appointed in the room of Mr. Eliot Yorke was, that his noble Colleague, who was suffering from ill health (Lord R. Grosvenor), was at present at Madeira, and would not be able to attend the Committee. He hoped, therefore, that the House would accede to the Motion of his hon. Friend.

MR. ORMSBY GORE said, that he considered the Committee to be fairly constituted; indeed, if the Committee were composed of Scotch and Irish Members exclusively, who were unconnected with the different interests concerned, it would be the more likely to arrive at a perfectly independent decision.

SIR C. DOUGLAS expressed his surprise that this Motion should have been made. The hon. Gentleman the Member for Cambridgeshire had given great attention to the subject upon the former Committee; and to move to discharge him without any request from him, or any acquiescence on his part, was, at least, an unusual proceeding. If the parties interested in the question were not properly represented upon the Committee, an addition to it might be moved, and the hon. Member for Middlesex might be substituted for his noble Colleague (Lord R. Grosvenor), who was unable to attend, but certainly no grounds had been laid for the present Motion.

MR. CHRISTOPHER contended that the grazing interests were fairly represented upon the Committee, and that great inconvenience would arise if the practice was sanctioned of Motions to discharge individual Members without consulting either the Chairman, the Committee, or the Member himself.

SIR G. GREY, having been appealed to, could only say it appeared to be an unusual course to propose the substitution of one Member for another, without communication with the Chairman, or some of the Committee, unless some strong reason was

assigned for it. The hon. Member for Middlesex had stated, that his noble Colleague (Lord R. Grosvenor) was absent from ill-health. He (Sir G. Grey) had no doubt that if the hon. Gentleman the Member for Northamptonshire would communicate with the Chairman, an arrangement might be made by which the place of the noble Lord would be supplied.

MR. STAFFORD said, he had a precedent for the Motion, inasmuch as the Chairman of the Committee had upon a previous occasion proposed the omission of Mr. Eliot Yorke's name. Mr. Yorke, he understood, was unwell. He had not yet attended the meetings of the Committee, and there was a feeling among those interested in the trade of the market that their interests were not sufficiently represented. As to not having communicated himself with the Committee, he was not aware it was necessary; but, as representing a grazing county, he thought it would be far better that his own name should be struck off it, than that the Committee should remain as it was. The hon. and gallant Member for Westminster was willing to serve if appointed.

After a short conversation, in which Sir G. Grey, Mr. B. Osborne, and Mr. Ormsby Gore engaged, Mr. Stafford proposed to withdraw his Motion; Mr. Mackinnon undertaking to ascertain whether Lord R. Grosvenor was likely to return to this country during the sitting of the Committee; and if he were not, to consult with the Committee as to the substitution of some other Member.

Motion, by leave, withdrawn.

The House adjourned at half-past Five o'clock.

HOUSE OF LORDS,

Thursday, May 10, 1849.

MINUTES.] *Took the Oaths.*—The Viscount Melville.

PUBLIC BILLS.—2ª Summary Convictions (Ireland); Indictable Offences (Ireland); Apprehension of Deserters (Portugal).

3ª Exchequer Bills.

PETITIONS PRESENTED. By Earls Mountcashell and Eglinton, from several Congregations of Wesleyan Methodists, for the Suppression of Seduction and Prostitution.—By the Bishop of Exeter, from Torrington and Clapham, for an Alteration respecting the Grants in Aid of Public Education.—By the Marquess of Salisbury and Lord Colchester, from Harpenden, and other Places, complaining of Agricultural Distress, and against the Repeal of the Navigation Laws.—By the Earl of Roden, from Dublin, and several Poor Law Unions in Ireland, against the Rate in Aid.—From Dunmow, complaining of the Operation of the Law of Settlement.—By the Earl of Harrowby, from York, and a Number of other Places, against the Granting of any New Licenses to Beer Shops.—By the Bishop of Oxford, from Oxford, that Article 11, Sect. 3, Cap 2, of the Criminal Law Consolidation (No. 2) Bill may not pass into a Law.

REPORTING IN THE HOUSE.

LORD BEAUMONT rose, pursuant to notice, to move—

"That their Lordships do take into consideration No. 130 of their Standing Orders as to the Presence of Strangers during the Sitting of the House."

In making this Motion, he hoped he should meet with the indulgence of their Lordships whilst he stated the general view which he took of the subject, and also what were the particular means by which he proposed to facilitate the carrying out of the object he had in contemplation. It appeared to him that the Standing Order itself was inconsistent, and not only inconsistent in itself, but in some degree disadvantageous to the proceedings in their Lordships' House. He had no doubt that the original object of excluding strangers entirely from their debates—not admitting any strangers to be present during their proceedings—was in order that their Lordships might have greater freedom of debate and greater freedom of speech. At an earlier period of English history persons making a speech here might run a risk if their remarks were reported, and their Lordships, therefore, had preserved the power of sitting with closed doors in order that any Member of the House might deliver his sentiments without intimidation. He believed another reason for that practice had been suggested — one which, when acted on, had produced the most unfortunate results. The other reason was this—namely, that something which ought to be kept secret from the rest of the world might be stated here in the course of debate, and that it was possible that the enemy might derive knowledge from what passed in their Lordships' debates of something which it was not for the benefit of this country that he should possess. These were the two chief objects—if not the only objects—that he could discover for their Lordships sitting with closed doors. On the last occasion in which it was attempted to carry this Standing Order into execution, the scene was so ludicrous—the conduct of both Houses was so strange—that, on looking back to the occurrence, he had been tempted to make a note of the description preserved of it, and he would read one or two sentences to their Lordships on the subject. The occasion to which he alluded was the 10th of December, 1770, when the Duke of Manchester

made a Motion with regard to the defence of the West Indies, Minorca, and Gibraltar; and in the course of the debate which then took place, it seemed that Lord Gower interrupted his Grace in the midst of his speech, and desired that the House should be cleared of all but those who had a right to be there. A very extraordinary scene took place in consequence. There were Members of the House of Commons then below the bar, who were excluded with the rest. They were excluded with difficulty; and when they were excluded they immediately proceeded to retaliate in the other House, by moving that the House should be cleared of strangers, which necessarily included the Members of the House of Lords then below the gallery. Mr. Burke, who spoke on the occasion, said, "Sir, there is not common sense in the Standing Order of both Houses of Parliament that either House should not have hearers of their debates;" and, subsequently, Colonel Barré described the scene in the following manner:—

"I was a witness of the scene, and never shall I forget it. I was listening to the Duke of Manchester speaking on the important subject of Gibraltar and Minorca. I am not aware that he was in possession of any secret. If he was, he did not disclose it. Suddenly the whole scene became changed. I could not suppose that a single Peer remained in the House. It seemed as if the mob had broken in, and they certainly acted in a very extraordinary manner. One of the heads of this mob—for there were two—was a Scotchman, who cried out, 'Clear the hoose, clear the hoose!' The face of the other was hardly human, for he had contrived to put on a nose of enormous size that disfigured him completely, and his eyes started out of his head in so frightful a way that he seemed to be undergoing the operation of being strangled. It was altogether the most violent mob I ever beheld. You would imagine that these leaders would have continued so throughout. But, no! at the latter end of the day two men took the office of doorkeepers, who executed the office with as much exactness as if the House had been a well-regulated assembly."

That was the description as given in a speech of Colonel Barré, reported in *Cavendish's Debates*. Various other accounts were to be found in other speeches made at the time, describing the scene in almost similar language. After that period, for some time, as their Lordships were aware, there was a spirit of retaliation carried on between the two Houses, and all strangers were excluded. It certainly would have been a most unfortunate thing for the future history of this country if some persons in the House of Commons had not taken notes and supplied the deficiency. He would go the full length of saying, that the debates in Parliament—that the opinions expressed in Parliament should be made public. That might not be the opinion of every Member of the House; but his own opinion was, that the deliberations of the House should be given to the public, both for the benefit of the public and for the dignity of their Lordships' House. He imagined that the period had gone by when it was possible that any of their Lordships could be intimidated either into expressing what he did not feel, or into concealing sentiments which he really felt; and he hoped there was no Member of the House who would not boldly state before the public that which he should wish to express if they were to sit with closed doors. If even their Lordships did not go the length which he himself did, and say that their deliberations should be made public to all the world, they would at least agree with him, that if there was to be a report of their proceedings given to the public, that report should, as far as it went, give a correct representation of what passed within the walls of Parliament; they must allow that it was a great inconsistency that they should exclude every stranger by their Standing Order, and yet connive at the daily publication of reports of their debates, made by strangers whom that Order was assumed to exclude from their walls. He would sooner that the case were reversed—that the general rule should be that the debates of the House should be public—and that it should only be by a special Motion, and for some special reason, that the House should sit with closed doors, or exclude strangers, those strangers being employed in the useful task of reporting their Lordships' debates. In whichever way their Lordships viewed the case—whether they agreed that it was right that their debates should be reported, or whether they consented to a breach of their Standing Orders, at least they would agree, if any reports of their deliberations were to be laid before the public, that it was highly advisable that these reports should be correct and impartial. In proportion that it was of advantage to the public to have correct and impartial reports of their Lordships' debates, so, in an equal degree, it was injurious to the public that totally incorrect reports of debates should be given—above all, reports which gave an impression totally different from that which a correct report would produce on the public. He could advance, if he chose, many instances in which reports

had been so very incorrect that an utterly contrary impression must have been produced on reading them, to that which would have been produced on a person listening to the debate in the House: he could also give instances of apparent partiality, where arguments had been well given on one side of the question, and totally omitted or given very briefly and imperfectly on the other. He could produce many instances in which, when questions had been put to Ministers, the answers of Ministers had either not been given, on the plea that they were inaudible, or, if given, it had been given in a sense contrary to that in which it was stated or intended to be conveyed. It was self-evident that such a proceeding as that must produce the greatest inconvenience and considerable injury. When the words of a Minister in reply to a question on an important subject, were thus misinterpreted and misrepresented, and sent forth to the public, of course a false impression was created both at home and abroad, and the result might be most detrimental to the public interests. In the same way, when important questions were debated, and if their Lordships wished to refer back to important speeches, they had no certainty, or rather, they had the certainty that the report was so doubtful that they could not rely on it. He was induced to say this from having looked back to the report of the important speeches made on the great question of the navigation laws, and in so looking back he found, with regard to two of the most important delivered on that occasion—in his own mind (without any offence to other speakers) the two best speeches delivered on either side—he referred to the speech of the noble Earl on the cross bench (the Earl of Harrowby) against the Bill, and the speech of his noble Friend, also on the cross bench (Lord Wharncliffe), in favour of the Bill—two speeches of remarkable ability, in which were concentrated the whole of the arguments on either side, and which in themselves formed a complete epitome of the whole debate; he referred to those speeches for the purpose of considering the subject himself, and he must say that the reports were such that he found in them little more than a skeleton and imperfect sketch of what was said. Therefore it was, he said, that if the debates were to be reported, it was most essential and necessary that forcible and elequent speeches like those should be correctly given; and therefore, from that motive, he thought their Lordships were bound under all circumstances—however they might view their privilege of excluding strangers—to take means, as long as they allowed any reports to be published, to place those employed in reporting in such a situation and in such a position as that they could have no excuse for giving false reports, but on the contrary have every means of giving a fair and just representation of what passed in the House. In proceeding to carry this proposition, he had met with some very considerable difficulties. Supposing their Lordships should not consent to the Motion which he was about to make, namely, that their Lordships should reconsider this Standing Order with a view to its repeal, and the substitution of another in its place more in accordance with the spirit of the time and practice of their Lordships' House, he should still persist in submitting a Motion which would enable their Lordships to consider some means of placing the reporters in such a situation as to give —although the reports would be a mere connivance at a breach of the Standing Orders—the means of reporting correctly. In order to do this it would be necessary that the subject should be considered in Committee. It might be necessary that their Lordships should examine architects and others on the subject. If their Lordships proceeded on the general question of the repeal of the Standing Order itself, he believed he should be bound to refer the matter to a Committee of Privileges. According to their Standing Orders, a Standing Order could only be repealed by a Committee of Privileges—that was, a Committee of the whole House. But if it were merely for an architectural alteration, he found he could do that without submitting the question to a Committee of Privileges. He found that, after the burning of the Houses of Parliament in 1834, the Library Committee actually reported with regard to the reporters' gallery, and suggested that certain accommodation should be furnished for the reporters. He could, therefore, either refer to a Select Committee, or to the Library Committee, the question of considering by what means the reporters — [Lord BROUGHAM; Say "strangers]"—might be so placed as to be able to hear. He wished to give the Members of the House of Commons an entrance to their Lordships' House by right. He also thought it would be convenient, as a great portion of the gallery was considered to be in the House, but

which was never used by any Member of the House, to consider whether that portion should not be voted as out of the House (he meant the centre galleries) and used for strangers? Again, with regard to Foreign Ministers, instead of their being obliged to stand at the foot of the throne, with great fatigue and inconvenience to themselves, he thought it would be advisable that a proper place should be assigned for them. In the late Chamber of Deputies, in the time of Louis Philippe, places were assigned for the Members of the British Legislature, to which they had access as a matter of right. In referring to a Committee the question whether it was advisable that those galleries should be considered out of the House; whether those side galleries should be appropriated to those strangers who were connected with the press; or, whether there should be some alteration in the gallery at the end of the House, by which the same object would be gained as if they were placed in the side galleries, he should wish, in the first instance, to ascertain the feeling of the House with regard to the consideration of the Standing Order. For this purpose, therefore, he should move that the said Standing Order be taken into consideration with a view to its alteration.

The MARQUESS of LANSDOWNE said, that as the question had been so distinctly placed before their Lordships by the noble Lord, who moved them to take into consideration one of the most important of their Standing Orders, with a view to its total abrogation, he felt bound to say that for himself individually—for he did not know how far he spoke the sense of the House—to such a Motion he had an insuperable objection. It ought not to be forgotten, that although their Lordships had wisely shown a disposition to permit a knowledge of their debates to be diffused among their countrymen, it had always been under sufferance, and with the intention of maintaining all their privileges, one of which privileges, whenever they thought fit to exercise it, was the exclusion of strangers. Whilst, however, he objected to the abandonment of this privilege, and to the repeal of their Standing Order, he felt, that so long as persons were permitted to have access to the House with a view of reporting the debates of their Lordships, under sufferance, so long as persons were in the habit, without any objection on the part of their Lordships, of communicating to the public the proceedings of Parliament, their Lordships had the deepest interest in having that duty faithfully and impartially, and he must add, conveniently discharged. He was likewise bound to say, that if, in common with many of their Lordships, he had occasionally suffered from an incorrect representation of the remarks which had fallen from his lips, he had no reason to believe that that imperfect, or it might be false, representation had proceeded from any improper motive on the part of those who, he believed, sedulously and conscientiously discharged the duties which they had undertaken. Indeed, he was surprised that under some circumstances the reporters discharged their duties as excellently as they did; for their very imperfections proceeded, and must proceed, from that of which their Lordships were the most adequate judges, the state of disorder which prevailed within as well as without the walls of what was technically called "the House." For the purpose of obviating the difficulties by which the reporters were at present beset, he thought that their Lordships would do very right to adopt the second of the alternatives mentioned by the noble Lord—namely, that of referring to a Select Committee—or, perhaps, the Library Committee would be more convenient—the consideration of the question, whether any greater convenience could be obtained for the prevention of that which they must also confess to be in itself an evil. He could not refrain from suggesting to their Lordships on this occasion the duty imposed upon themselves individually of preserving order; and he ventured to add his conviction, that any effort directed by the noble and learned Lord on the woolsack for the preservation of order would meet with the unanimous and constant support of their Lordships.

LORD BROUGHAM observed, that as he had himself had the honour of filling the office of Speaker of their Lordships' House during the period when he sat on the woolsack, he naturally took a great interest in this question. He entirely concurred in the view taken of it by the noble Baron, with one exception, namely, that he thought the necessity for this Standing Order did not exist. He should have been much better pleased if the proposal for taking this Standing Order into consideration, had not been made the preface to the Motion. It was an important Standing Order, and he was not prepared to give it up. It was

of the greatest importance that the privileges of that House should be not only thoroughly understood, but also strictly maintained, so far as regarded the interference with their proceedings of any persons who did not belong to the Peerage. If their Lordships should once relax the absolute prohibition of that interference in favour of any party, there was no knowing—at least he did not know — how soon their Lordships might be in that state to which he would not further allude, but which had been found so mischievous in foreign countries. With regard to the strangers' gallery, their Lordships had long recognised, even by their orders, the presence of strangers attending in that House; but they had not yet recognised by their orders the publication of their debates. Their Lordships knew that those debates were given to the public. Their Lordships connived at their publication—their Lordships would be very wrong if they did not so connive — and their Lordships and the public would be sufferers, nay, legislation itself would be a sufferer, if their debates were not communicated to the world, and freely canvassed by the public at large. But still, by the wisest and most patriotic of their predecessors, holding, in both Houses of Parliament, the same opinions on this point as himself, it had been unanimously held that it should be by connivance, and not by express permission, that such publication took place. He had been going to state, when he was led away into this digression by the importance of the matter, that the strangers' gallery was not, technically speaking, within the walls of the House, and, consequently, that it was not necessary to take this order into their consideration with a view to the alteration of the House, or the exclusion of strangers. How far it might be expedient to extend that portion of their Lordships' territory, which, although within the walls of the building, was, nevertheless, not in the House, was another question, and fit for consideration by a Committee. He entirely agreed with the noble Lord, that it would be futile to consider this question as a question of privilege. Their Lordships had never been in the habit of referring to a Committee of Privileges any question except one of doubt. Now there was no kind of doubt in this case. That was a reason why it appeared to him to be a fit case to refer to the Library Committee, to which their Lordships might add any new Members they pleased. Having stated the grounds on which he thought that their Lordships ought to look at the reports of their debates as a matter of connivance, he must now express his entire concurrence, as in justice to the parties he was bound to do, in the panegyric which the noble Marquess had so justly pronounced on the generally unexceptionable manner in which the accounts of their proceedings were given to the public. There was great difficulty at all times in giving accurately words spoken. It was a task requiring great attention, great industry, and great ability. Their debates were given, as far as his knowledge and belief extended, with most exemplary impartiality, as well as with great fidelity and talent. That was his decided belief and opinion. He believed it to be also the opinion of all their Lordships who took any interest in the perusal of their debates. He did not forget that among the many difficulties under which the reporters at all times laboured, they laboured now unhappily under a difficulty belonging to and arising from that very beautiful and magnificent structure. There was a difficulty at all times in hearing in that part of the House (the reporters' gallery) more than in any other, as he had shown on different occasions. He would add, in confirmation of the statement of the noble Marquess opposite, as to the maintenance of order in the House, that those who were in the habit of attending there in the morning sittings during the hearing of causes, were aware how much of that difficulty depended not on the structure of the House, but on the peculiar structure and functions of the parties then sitting within it. Their attention was not always of the sort which it ought to be, though they might not be engaged in unmeaning conversation. In the morning, when few were present but law Lords and counsel at the bar, and the parties interested, there was no extraneous conversation. The House was the same then as now, and it was only justice to Mr. Barry, their architect, to say that there was then no difficulty in hearing. But when the bar was so crowded as it always was upon great occasions in the evening, he must say that both in coming into and in leaving the House, he had heard but little, when passing, owing to the constant buzz of conversation among the parties near it. All this very much increased the difficulty of hearing to the reporter, and with the difficulty of hearing the difficulty of reporting was incalculably increased.

The Speaker of the House of Lords did not, like the Speaker in another place, possess the privilege of preserving order. He wished that their Speaker had that privilege, but he feared that it could not be. He himself might be "pulled up," as the phrase is, with some other of their Lordships, if that were the case, but at present they had no fear of the kind.

The MARQUESS of LONDONDERRY considered their Lordships to be much obliged to the noble Baron for bringing this Motion forward. The noble Baron had alluded to certain speeches as not having been sufficiently reported. Such was unquestionably the fact, and he thought that their Lordships should take measures to have every speech sufficiently reported. He concurred with the noble Lords who preceeded him that there was great impartiality, and no wish to misrepresent, on the part of those who undertook to report the debates in that House. He did not think that the prominent Members of their Lordships' House had any reason to complain; but it sometimes happened that it might be important to a Member of less eminence, that the reasons for the vote which he was about to give should be known. On a former night he had taken some exceptions against the Navigation Bill, and no note was taken of them in the reports. He did not quarrel with this himself, but Ministers were in a different position. If their answers were, as was constantly stated, inaudible, it certainly was important that the reporters should be placed in a better position, where they might do justice to all parties.

LORD REDESDALE decidedly objected to the removal of the reporters into the side galleries. If those galleries were better known, they would be better filled. There was only one alteration that could be made with effect, and that was the bringing of the reporters' gallery much more forward. As to the allegation that parties not commanding the attention of the House were not so well reported as others who did command it, it arose from the vast space which existed below the bar—where, during the delivery of an indifferent speech, much conversation went on among the persons in attendance just below the reporters' gallery, much to their impediment and confusion. If the reporters' gallery were brought more forward—and it could be done without injury to the architecture of the House—it would deaden and prevent the noise now so justly complained of. He objected, however, to the proposal of considering strangers as out of the House; for if they were out of the House their Lordships would have no means of enforcing order among them.

The EARL of GALLOWAY: My Lords, as it has been asserted that the reports of our proceedings are accurately given to the public, I beg leave to give my humble but most emphatic dissent to that assertion. When the noble and learned Lord, and other individuals who occupy a high position in public estimation, address your Lordships, there may be more attention paid to what goes on, and therefore they are more accurately reparted, and, being occupied with many things, do not look at any other speeches than their own in the reports of the debates. But when an humble individual like myself, to whom it is a most unwelcome task ever to have to speak one word in public, feeling himself urged by public bodies, is forced to address the House—such an individual generally considers, before he does so, what he means to say, and uses very few words. He looks into the newspapers the next day to see how his speech is reported; and it has been my unhappy fate, who have had to present hundreds of petitions on a most important subject, having heard from friends in the gallery that every word that I said was heard perfectly, to find that not one word which I said was reported. I hope I am heard now. My Lords—I must say—I can smile at this—I care nothing for myself personally; but I think, upon my word and honour, that there is nothing more calculated to lower this House in public estimation—than the way—the miserable way—in which the debates of the House are reported.

EARL GREY very much agreed with the noble Earl who spoke last but one, that part of the inconvenience suffered by the reporters arose from the buzz of conversation carried on at the bar. He must say, that since he first knew the House of Lords, a very great change had taken place in that respect. He recollected that, in former times, if a stranger said a single word in way of conversation within the House, one of their officers or messengers was always ready to rebuke and check him, and to request him to be silent. He thought that the House should revert to that system; and although its messengers

were not authorised to interfere with any of their Lordships who violated the rules of order, he thought that they might properly interfere with those parties who, being only present by courtesy, employed themselves, not in hearing the debates, but in talking about them. That was a great inconvenience, not only to the reporters, but also to their Lordships themselves. He had himself frequently found it difficult in Committee to collect the observations made by noble Lords only on the opposite side of the table, in consquence of the buzz of conversation going on at both ends of the House. He thought that some peremptory instructions should be given to their officers to prevent the recurrence of such disorder.

The EARL of GALLOWAY: If the speeches are not heard by the reporters, I think at any rate that they should not be allowed to make other speeches instead of them.

The EARL of MALMESBURY thought that the reports were as well given as they could be under the existing state of things; but, in saying that, he was far from saying that the speeches of their Lordships were always correctly reported—for they were very far from being so. He could never understand what the objection was to the House having an official reporter of its own. Their Lordships now quoted *Hansard;* but *Hansard* had no other channel of intelligence save the reports in the newspapers. It was of importance that their Lordships should have some authority attached to their reports; and he could see no reason why they should not have a shorthand writer in the House to take a note of their debates, as they had in their Committees to take a note of evidence. They might have some persons employed for this object, as was the case in most of the legislative assemblies of the Continent.

LORD MONTEAGLE observed, that a good deal had been said in the course of the debate as to the rights of various classes, both in and out of that House; but not a word had been said of the mode in which the rights of readers would be affected by the proposition of the noble Earl. If every speech uttered in that House were taken down *totidem verbis*, and were so given to the world, nobody would be able to read such a mass of verbiage.

The EARL of MALMESBURY: I did not propose to publish it. I meant that there should be an official reporter, an officer of the House, whose report should be official, and should be preserved in the library of the House, to be referred to hereafter as an historical record.

LORD MONTEAGLE pointed out the great inconvenience of such a measure. He had that day had put into his hand a minute printed by authority of their Lordships. It showed that a shorthand writer, however skilful, even Mr. Gurney himself, might fall into strange and important errors. No shorthand writer, however able and however careful, was capable of reporting everything correctly and without mistake. If their Lordships should appoint an official reporter, they would make themselves responsible for his reports. At present nobody but *Hansard* was responsible for the reports which their Lordships quoted. If you had an official reporter, who might be a sworn shorthand writer, you could have no greater certainty of his accuracy than you have of the present reports, and therefore it appeared to him that the proposition of the noble Earl was not sustainable.

The MARQUESS of LANSDOWNE assured the House that he had no intention of conferring upon his noble and learned Friend on the woolsack any power, authority, or privilege which was not in existence at present. All he had intended to observe was this—that the noble Peer on the woolsack, filling the high position which he did, had a right to exercise that authority which every Peer had, and to declare that such and such a Peer was departing from order, and that such a declaration coming from such a quarter would have great weight, and would meet with cordial support from the House. It was only just that he should state the opinion of the very distinguished architect to whom their Lordships were indebted for their very magnificent chamber, and that was, that the House was not ill-constructed, but too well constructed, for hearing; that, owing to that circumstance, the reporters heard at once not only the speeches which their Lordships were delivering, but also all the other speeches which other parties were delivering in the House; and from that chaos they found a difficulty in extracting that alone which they ought to hear.

LORD BROUGHAM said, with regard to the suggestion of the noble Earl (the Earl of Malmesbury), that unless a speech was made with the most perfect accuracy, and was so prepared that there could hardly be the possibility of an error in a word, their Lordships would be astonished, and

not very much edified, if they saw the very words they had used represented. Those speeches which were delivered at the bar of their Lordships' House, which were elaborately prepared, and which were spoken as if they were extempore, in point of manner, were most admirably given by Mr. Gurney; but he had seen a copy of extempore debates among the counsel, and he could assure their Lordships that the speeches of the most able, eloquent, and accurate advocates did not redound much to the credit of their accuracy of diction.

The MARQUESS of SALISBURY thought they might do much to effect the object they had in view, by a simple order of the House, directing that silence should be strictly kept, as was done in the House of Commons.

LORD BEAUMONT considered that the sense of the House had been pretty satisfactorily ascertained on this subject. The Motion before the House was, that the Standing Order No. 130 should be taken into consideration; but the general feeling of their Lordships seemed to be against abandoning their existing privilege. He had, however, heard nothing which had induced him to change his opinion; and he believed that in abandoning that privilege, they would only abandon a privilege which was injurious to themselves, and one which was never acted upon. He looked upon the Standing Order as so many useless words; and he thought if it were abandoned, they might be enabled to claim rather more consideration from those strangers who gave accounts of their proceedings than they could do at present; they would put them in a different position, and one in which it would become more their duty to attend to the proceedings of the House. As it appeared, however, that their Lordships were still anxious to retain their privilege, he would not press the subject, but would beg leave to withdraw his Motion relating to the Standing Order, and substitute in its place the following Motion:—

"That a Select Committee be appointed for the purpose of considering the Accommodation afforded to Strangers in this House."

If such a Committee were appointed, they could go into the whole question, and would be able to consider any alteration that might be suggested in the construction of the House. He did not know whether such a Committee would be empowered to take into consideration the proposal of his noble Friend (the Earl of Malmesbury); and unless the noble Earl anxiously wished that they should take it into consideration, he would prefer that they did not. He thought it would be impossible to carry out the suggestion, and that if it were adopted, it would be almost useless. He would therefore prefer confining the reference to the Committee to such alterations as might enable strangers to hear better than they now could do what passed in the House.

The MARQUESS of LANSDOWNE suggested the omission from the Motion of the words "to strangers."

LORD BEAUMONT assented to the alteration.

Motion withdrawn. Then it was moved—

"That a Select Committee be appointed to take into consideration the Accommodation of the House;"

which was agreed to, and Committee appointed.

CRIMINAL LAW CONSOLIDATION BILL.

The BISHOP of OXFORD had a petition to present against a clause in the Criminal Law Consolidation Bill of the noble and learned Lord opposite to him, which, however its prayer might be opposed to the views of that noble and learned Lord himself, would command his respect, in consideration of the learning, and character, and attainments of the body from whom it emanated. This was a petition from Bachelors and Under-graduates of the University of Oxford. It appeared to these petitioners that by the clause in question, an uncertain penalty was attached to a certain breach of the law, in the case of chapters not electing the party recommended to a benefice by the Crown, without assigning good and sufficient reasons for such refusal. They complained that this penalty was nowhere defined, but was left in the most vague uncertainty.

LORD BROUGHAM assured the right reverend Prelate that he could not overrate his (Lord Brougham's) unbounded respect for the petitioners, who were well entitled to all the praise that his right reverend Friend claimed for them. The case was not unfairly put in the petition, and he could assure noble Lords that he had consulted with legal and judicial authorities on the subject, without being enabled to insert a satisfactory definition of the character of the penalty in question. After the best consideration he had been able to give to the point, he had come to

the conclusion that, in the present state of the law, it would be better for this House to digest the Bill before them as it stood. It was very difficult to define the precise nature of the penalty of *præmunire;* but it was unquestionably a very heavy one.

The BISHOP of OXFORD ventured to remark that the admission just made by the noble and learned Lord was an ample justification of the petitioners at their complaint of this part of the Bill. When that high authority experienced a difficulty in describing what the actual nature of this penalty was, those whose petition was now before their Lordships might well be pardoned for considering it was an uncertain one.

LORD BROUGHAM said, he would give the subject his most attentive consideration before the Bill came on for second reading.

Petition read and laid on the table.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, May 10, 1849.

MINUTES.] PUBLIC BILLS.—2° Public Health (Scotland).

PETITIONS PRESENTED. By Mr. S. Blair, from Bolton, against the Parliamentary Oaths Bill.—By Mr. Willcox, from Southampton, for an Extension of the Suffrage.—By Admiral Dundas, from Woolwich, for the Clergy Relief Bill.—By Mr. Du Pre, from Clergy of the Archdeaconry of Bucks, against the Marriages Bill.—By Mr. F. Scott, from Berwickshire, against the Marriage (Scotland) Bill; and from Longformacus, against the Sunday Travelling on Railways Bill.—By Mr. Osborne, from the Granard Union, for Appropriation of the Tithe Rent Charge (Ireland) to the Support of the Poor.—By Mr. Heywood, from Preston, and other Places, respecting the Lancashire County Expenditure.—By Mr. Ricardo, from Wolstanton, for the County Rates and Expenditure Bill.—By Mr. Fuller, from Lewes, Sussex, for Repeal of the Duty on Malt.—By Mr. Muntz, from the Metropolitan Trades' Delegates, for the Establishment of Boards of Trade.—By Sir Edward Buxton, from Woodford and Walthamstow, for the Enfranchisement of Copyholds.

SIGNATURES TO PETITIONS.

MR. THORNELY wished, as Chairman of the Committee whose duty it was to examine public petitions, to state, that a petition was presented to the House, and had been laid before the Committee, to which there were 200 signatures, which were written on scraps of paper, and pasted on a large sheet. He thought it was important that hon. Members should examine petitions before they presented them to the House. The Committee were of opinion that the petition in the present case was informal, and he, therefore, moved that it be withdrawn. According to the rules of the House the marks of persons who were unable to write their names were receivable upon proper authentication, but the signatures that were cut from other papers and pasted on a petition were not.

SIR R. H. INGLIS, as a Member of the Committee of which his hon. Friend the Member for Wolverhampton was chairman, begged to corroborate his statement, that the clergy of a certain archdeaconry had by letters sent in their adhesion to a principle of legislation, and their signatures were cut out of those letters and pasted on a petition. He thought it very important that all petitions should be signed by the parties who concurred in the prayer of them, or by a friend authorised to sign them on their behalf.

In reply to a question from Mr. HINDLEY,

MR. THORNELY said, that the petition in question was from the clergy of the archdeaconry of Dublin.

Subject dropped.

GREEK LOAN.

MR. B. COCHRANE, seeing the noble Lord the Secretary of State for Foreign Affairs now in his place, which was a rare sight at the time for questions, wished to ask him whether the British Government were still paying the interest on the Greek loan, and whether he intended to insist on that being paid by the Greek Government?

VISCOUNT PALMENSTON said, as the Greek Government had made no payment of the interest, and as this country had guaranteed the payment, it had fallen on us to make it good. Government were in communication with the Government of Greece, and continually pressing upon them the necessity of making good their engagements. That Government promised to pay the interest with the first produce of the Greek revenue; but that, he was sorry to say, had been so small that they had not hitherto done so.

Mr. B. COCHRANE hoped the British Government would insist upon payment. The answer of the noble Viscount was precisely the same now as he had got six years ago.

VISCOUNT PALMERSTON said, the House was in possession of all the information on the subject; but they would recollect that England was only one of three Powers who had guaranteed the payment of the loan, and England therefore could not take a separate course from France or Russia.

Subject dropped.

BOARD OF CUSTOMS.

MR. EWART said, that some time since a commission had been appointed to consider the best means of approving the administration of the Board of Customs. He begged to ask the right hon. Gentleman the Chancellor of the Exchequer whether any progress had been made by that commission, and when it was likely that they would report?

The CHANCELLOR OF THE EXCHEQUER said, that the commission had made its first report, and that in accordance with the recommendations therein contained, a Treasury Minute had been issued, the effect of which would be, he was happy to say, a saving of 50,000*l.* a year.

Subject at an end.

CHICORY AND COFFEE.

Papers relating to the use and sale of Chicory as a substitute for or mixed with Coffee [presented 27th March] read.

MR. ANSTEY rose to move the resolution of which he had given notice. He said he was bound to inform the House that this Motion, if carried, would amount to a vote of censure upon the right hon. Gentleman the Chancellor of the Exchequer, as well as upon some of his predecessors in office. Certain Acts of Parliament had been passed, for the double purpose of protecting the revenue and encouraging the trade of the colonies. Another purpose of these Acts was to prevent fraud, individuals mixing certain deleterious ingredients with tea and coffee, and particularly the adulteration of coffee with chicory. The 3rd George IV., c. 53, recited that it was expedient to allow the manufacture and sale of scorched and roasted vegetable substances by persons not being dealers in coffee and cocoa; then it enacted that persons not being dealers in coffee might roast and sell such substances; and there was a clause in it which forbad the Excise from granting any license for that purpose to any dealer in coffee or cocoa. The object was, not to deprive the poor of the right to manufacture those substances for themselves if they chose; but to prevent parties making money at the expense of the public by selling cheap substances roasted and ground under the name and at the selling price of coffee. The prohibitions in this Act were enforced by penalties to be levied by the Excise. The right hon. Baronet the Chancellor of the Exchequer was bound to cause this Act to be respected, and to set an example, in his own official person, of respecting it himself. The object of the present Motion was to compel the right hon. Baronet to do that which, in answer to a question from himself (Mr. Anstey) two months ago, he deliberately refused to do—that was to say, to cause the officers of the Government who acted under his directions to perform the duties required from them by this Act. The right hon. Baronet having said he was not prepared to take that step, he had felt it his duty to move for certain papers in March last. The first part of the returns ordered was—

"Copies of Treasury Minutes allowing the use and sale of chicory as a substitute for or mixed with coffee, and of all memorials on this subject now before the Treasury."

Whether all the Treasury Minutes upon the subject were in the returns, he had no means of ascertaining; but that all the memorials were not included, he had the most certain means of knowing. Only one memorial was given, namely, that from Mr. James Cook, of Mincing-lane, dated the 22nd January last; but at the time the returns were ordered there were two others before the Treasury upon the subject: one from merchants and others in the city of London, dealers in and importers of coffee; and the other from the East India and China Association. Both these memorials were received by the right hon. Baronet on the 22nd February last, and he acknowledged the receipt of them the day following. He found a Treasury Minute, dated 10th April, 1832, during the Grey Administration, founded upon a report of the Commissioners of Excise, dated 2nd April, 1832, on a memorial of Messrs. Kenway and Sons, praying that an information exhibited against them for mixing chicory powder with coffee might not be proceeded with. They admitted the fact of such adulteration, and the Commissioners were of opinion that the information ought to have been proceeded with. The penalty under the 3rd Geo. IV., c. 53, for this offence was 50*l.*, which the Government was bound to see levied; but before stating the decision of the Lords of the Treasury upon this memorial and report, he would inform the House that in the preceding year, 1831, some of the most respectable tea-dealers in London and elsewhere prevailed upon the Executive to prosecute certain parties who were selling what was called British leaf—an article that might be put off as tea, but really grown on the hedges near London. On that occasion one single

conviction was sufficient. The penalty was levied, and the practice put an end to. But in 1832, when the question was to prevent coffee-dealers from adulterating coffee, the Commissioners of Excise, contrary to their own convictions, were told by the Lords of the Treasury, that "as my Lords contemplate an alteration in the law with respect to the sale of chicory powder, my Lords do not consider it expedient that this information should be proceeded with." Passing over eight consecutive years, he came to the last Treasury Minute, which was dated the 4th August, 1840. The Board of Excise, it appeared, were still anxious to enforce the law, notwithstanding the connivance of the then Chancellor of the Exchequer at this practice of adulteration. Certain parties in Liverpool had had proceedings instituted against them for mixing chicory with their coffee, which they prayed might be ended, and the laws altered which prevented the mixture of these articles by dealers in coffee. "My Lords" then communicated to the Board of Excise the final decision of the Whig Cabinet, as follows:—

"Write to the Commissioners of Excise, that my Lords consider that the law was altered with the view of admitting the admixture of chicory with coffee. My Lords, therefore, do not consider that any measures should be enforced to prevent the sale of coffee mixed with chicory, and are of opinion that the prosecutions in question should be dropped. My Lords do not consider such admixture will be a fraud on the revenue, so long as the chicory pays the proper duty; and as between the seller and consumer, my Lords desire that Government should interfere as little as possible."

By whom had the law been altered? And when? The right hon. Baronet the Chancellor of the Exchequer said himself it remained unaltered; but the Lords of the Treasury in 1840 informed the Excise that they considered it had been altered. There could be no question that the law was still in force; and the only question was, whether it should be obeyed. The chicory used in the adulteration of coffee paid no duty. Foreign chicory, which had only a nominal place in the Customs list, did indeed pay the same duty as foreign coffee; but it could not compete with that grown in this country or in Ireland, where growth and sale were perfectly legal. The Lords of the Treasury "did not consider such admixture a fraud upon the revenue, so long as the chicory paid the proper duty." They thereby displayed most egregious ignorance, for the chicory so mixed displaced in the market an equal amount of coffee, which, whether foreign or colonial, contributed to the revenue. The revenue was thus directly defrauded by the substitution of duty-free chicory for colonial or foreign coffee. The Lords of the Treasury said, that Government was not bound to protect the consumer. "My Lords" said it was not their duty. The Legislature said it was. "My Lords," however, appeared on this occasion to have emitted most extraordinary views of law, finance, and public morality, upon which he would leave the House to decide whether they were right. Certain it was that from that time nothing more had been heard of prosecutions for adulterating coffee with chicory. The result of these proceedings was, as the House must have expected, a depreciation in the price of coffee, occasioned not by the state of the coffee market, but by the state of the chicory market, and a loss of revenue, which was admitted by the right hon. Baronet himself, inasmuch as he meant to do something next year towards supplying it. The loss to the revenue, supposing every pound of chicory consumed displaced a pound of coffee, would amount to 600,000*l.* annually; but if every pound of chicory used displaced only half a pound of coffee, the permanent annual loss would be 300,000*l.* It appeared from the returns, that although the quantity of coffee entered at the Custom-house exceeded in 1848 by 40 per cent the quantity entered in any one year subsequent to the reduction of the duty upon foreign and colonial, there had been a decline in that year of five-eighths of a million pounds weight in the total quantity entered for consumption in this country, though there had been a reduction in the price, consequent upon the reduced duty. Now, who had received the benefit of the reduction? Not the coffee grower, either in our own colonies or in foreign countries, but the chicory grower at home. The House would more fully understand the extent of the depreciation, by comparing the quantities of coffee entered for home consumption in the five ports of London, Bristol, Liverpool, Hull, and Glasgow, from the 1st of January to the 24th March, in the years 1848 and 1849, and by comparing similar returns during the same periods of the quantities of sugar so entered. As to coffee, the entries for home consumption had been in that period as follows:—

In 1848	... ...	7,424,390 lbs.
1849	... ...	7,084,350
Being a decrease in two months of		340,040 lbs.

As to sugar during the same period, the entries for home consumption had been—

In 1848	... ...	1,227,447 cwts.
1849	... ...	1,296,777
Being an increase in two months of		69,330 cwts.

The results with respect to cocoa were similar; the increase during the same period having been 79,678 lbs. The decrease in the consumption of coffee could not, however, be attributed to an increased consumption of tea, for he found that it had increased only 7,352 lbs. As little could it be attributed to the amount of coffee imported during 1848, being less than in former years, for he found that the import of colonial coffee was 28,833,279 lbs. in 1844, whilst it had increased to 38,221,012 lbs. in 1848; and of foreign coffee, it was 17,689,909 lbs. in 1844, and 18,840,490 lbs. in 1848. The quantity of coffee brought into the market in 1848 was greater than in any former year, and the price less; yet the consumption had declined. The decline, indeed, so far from ceasing, appeared to become greater, as would be seen from the following comparative statement of the amounts entered for home consumption in the five ports already named, down to the 21st of April, in the years 1848 and 1849 :—

In 1848 it was	... ...	9,721,618 lbs.
In 1849 it was	... ...	9,224,879
Showing a decrease of		496,739 lbs.

or in round numbers of 221 tons below the depreciated amount of last year. There must be some reason for this state of things; and he attributed it to the neglect of the right hon. Baronet in not enforcing the law prohibiting the adulteration of coffee by mixing it with chicory. He did not pretend to know what view Parliament would take of the dispensing or suspending power which was exercised by the Lords of the Treasury over the operation of the law; but he thought there should be some check upon it. The law, indeed, had been virtually repealed by the mode in which the Lords of the Treasury had addressed themselves to the Excise. It was monstrous that such a power should have existed unchecked so long; but he believed the knowledge which had been communicated of it would hereafter have a great effect in the country. The right hon. Baronet meant to enforce the law against parties who adulterated tea with British leaf, and so he would if any person grew tobacco in Ireland. Why should he make a distinction between those who adulterated tea, and those who adulterated coffee? Every pound of this deteriorated mixture of chicory and coffee was sold at the price which unadulterated coffee would bring, and the injustice of this system would appear the more striking when he informed the House that coffee cost 9*d.* or 10*d.* a pound to the wholesale dealer, whereas chicory was supplied at as low as 2*d.* per pound. This cheap ingredient was, however, retailed to the poor and ignorant at the highest price which coffee could fetch in the market. The consequence was, that the unfair dealer was benefited and enriched at the cost of the honest trader. So far had this practice extended, that they were now beginning to deteriorate the chicory itself by mixing with it burnt bread, burnt and mouldy biscuits, burnt and ground rags, and burnt and ground rope yarn. The proportion in which chicory was used in the adulteration of coffee was stated by Mr. M'Culloch, in the supplement to his *Commercial Dictionary*, just published, at 12,000,000 of pounds to 36,000,000 or 37,000,000 of pounds of coffee. He believed, however, that the proportion was much greater, and that fully 14,000,000 of pounds of chicory were made use of for this purpose throughout England and Ireland. The Ceylon coffee being peculiarly delicate, was not capable of being deteriorated to the same extent as other coffee, and the consequence was, that the demand for it had decreased, and that the market had been considerably injured. [The hon. and learned Gentleman read several extracts from traders' circulars in support of his view.] In addition to the great losses which the revenue had sustained from this cause in former years, there was an additional loss in the revenue derived from the duty on coffee last year of from 40,000*l.* to 46,000*l.* He did not want the right hon. Baronet the Chancellor of the Exchequer to bestow on this question all the labour that his predecessor in office, the right hon. Gentleman the Member for the University of Cambridge, had devoted to the subject of the deterioration of tobacco; but what he wanted him to do was, to compel traders to confine themselves to the sale of only one

of these articles, and to limit them to a license either for the sale of chicory or of coffee alone. Unfortunately the coffee grower was not a foreigner, or the free-trade principles of the right hon. Baronet might induce him to interfere in his behalf. The coffee growers were colonists, and the Colonial Office afforded no protection to those whose interests were supposed to be confided to it. The most obvious course for the right hon. Baronet to pursue would be, to ascertain whether any new legislation was necessary on this question, and whether the existing law, which had been enforced down to 1832, was sufficient to meet the case. If the right hon. Gentleman did not do this, there were only three other courses open to him: first, to prohibit the growth of chicory in this country altogether; secondly, he might take off the duty of 4*d.* a pound, which now operated to discourage the sale of British plantation and colonial coffee; and, thirdly, he might impose an excise duty on British-grown chicory, equivalent to the amount of the customs duty on coffee. He understood that the right hon. Baronet had some intention of resorting—though not in this year—to the last-named alternative, which would impose an annoying restriction on British agriculture. Having thus briefly pointed out some of the results both to the mother country and to the colonies, of the system now in force, and which had been acted upon by successive free-trade Governments, he thought that he had shown enough to justify him in asking the House to declare, in the words of his resolution, that it viewed with serious concern and disapprobation the growing increase of this evil.

Motion made, and Question put—

"That this House views with serious concern and disapprobation the great and growing increase of the consumption of the plant Chicory in the adulteration of Coffee, contrary to Act of Parliament; such increase having been, in the opinion of this House, chiefly owing to the orders given by the Administration to the Officers of Excise not to enforce the said Act:

"That the direct results of such orders have been the fraudulent sale of ground Chicory, under the name and at the current prices of ground Coffee; a corresponding depreciation of the value and decrease in the consumption of Coffee; increased depression and distress in Ceylon and other Coffee-growing Colonies; a permanent loss of revenue to the actual amount of some hundreds of thousands of pounds annually, and which loss in the last year was augmented by the addition of about forty thousands pounds more; the prejudice of the fair dealer; discontent and disaffection in the Colonies; and the encouragement of the evil-disposed both at home and abroad to disobey Laws which must appear to them to depend upon the arbitrary pleasure of Administration for sanction and enforcement."

MR. BAILLIE seconded the Motion, and said he thought there had been two points raised by his hon. and learned Friend the Member for Youghal, which were worthy the attention of the House: the first was, whether a great loss had not occurred to the revenue in consequence of the issue of the Treasury Minute to which he referred, and by which coffee was allowed to be adulterated by chicory; and, secondly, by what right the Chancellor of the Exchequer could issue a Treasury Minute dispensing with an Act of Parliament. It was quite clear, from the statement of his hon. and learned Friend, and from the consumption of chicory known to exist, that a great loss must have occurred to the revenue; and the fact which was mentioned by his hon. Friend respecting tobacco was a clear illustration of that point. His right hon. Friend the Member for the University of Cambridge, when he came into office, found that the right hon. Baronet who was now First Lord of the Admiralty (Sir F. Baring) had, during his administration, allowed the adulteration of tobacco to a considerable extent. It was adulterated with the leaf of the rhubarb plant; and he determined to investigate the subject. It was a difficult matter, but he succeeded, and the result was that a law was passed by which the system of adulteration was prevented, and a great evil cured. Under these circumstances, he (Mr. Baillie) considered that the subject was well worthy the attention of the Chancellor of the Exchequer; and he trusted that upon a full view of the subject he would be induced to enforce the law as it now stood, not to prevent the consumption of chicory, but to prevent the sale of chicory by dealers in coffee.

The CHANCELLOR OF THE EXCHEQUER said, that if the hon. and learned Gentleman the Member for Youghal would look to the Act 3 George IV., cap. 53, he would find that a discretionary power was given to the Treasury as to enforcing its provisions or not; and that the offence it contemplated was not one against which a public informer could proceed. He entirely concurred in the doctrine laid down in one of the Treasury Minutes, that it was the duty of the Government to interfere as little as possible between the buyer and the seller. At the time the Act was passed no such thing as home-grown chicory existed, though it was extensively cultivated on the Continent, where it was

used, mixed with, or as a substitute for, coffee; and he understood that the use of it to a certain extent was beneficial both to the consumer and to the colonial producer, as it promoted the use of coffee. A moderate duty was then proposed to be imposed on foreign-grown chicory, when mixed with coffee, but it was found impossible to carry out such a law without establishing a most expensive and inquisitorial survey. It would have been doing what was exceedingly vexatious and annoying, with very little chance of achieving the object intended. It was not to be supposed that this question had not already engaged the attention of the Government. He could assure the hon. and learned Gentleman that the Treasury had inquired as to the possibility of distinguishing chicory from coffee when mixed, and it was found to be almost an impossibility. No test could be depended upon. He had seen it tried by a solution in water, and by means of a microscope, but it was obvious that no Government would think of adopting the Quixotic experiment of sending a chemist into every coffee-seller's shop with a view to enforce the law recommended by the hon. and learned Gentleman. At all events, he (the Chancellor of the Exchequer) was not prepared to engage in such a mode of preventing frauds against the revenue. Lord Althorp, Lord Monteagle, the right hon. Gentleman the Member for the University of Cambridge, and his right hon. Friend the First Lord of the Admiralty, had all, while severally filling the office of Chancellor of the Exchequer, declined to re-establish an inquisitorial survey of the premises of all the coffee-dealers in England. It was said that within the last three or four months the consumption of coffee had fallen off; but, if that were so, he was not convinced that it was in consequence of the alteration made by the Treasury Minute. How did Mr. Cook account for it? In his memorial to the Lords of the Treasury he stated that the average proportion of chicory in what was sold in the London shops for coffee was estimated at one-third; and, in the manufacturing towns, it was said to be fully one-half. What further portion of pure chicory was elsewhere added to this mixture it was impossible to say; but Mr. Cook said it was a fact that those descriptions of coffee which would bear the greatest admixture of chicory, such as Costa Rica and Java, enjoyed on that account a marked preference in the market, greatly to the detriment of the more delicately flavoured Ceylon coffee. It might be supposed from this that the colonial coffee would be injured, and foreign coffee benefited; but what was the fact? The consumption of Ceylon coffee had increased more than any other description of coffee. In 1844 the consumption was 14,000,000lb., and in 1848 it was 30,000,000lb. He did not think that by the introduction of chicory into consumption an equal quantity of coffee had been displaced, nor did he believe that if the use of chicory were forbidden, its place would be supplied by an equal quantity of coffee. His opinion was, that the use of chicory cheapened the price, and ministered to the comforts of the poorer classes of the people. As to the loss of revenue, he did not consider that the diminution of the quantity of coffee consumed in consequence of the alteration which had been made, would materially affect the amount of duty received. The diminished consumption within the last three months was 600,000lb. or 2,400,000lb. for the year; which he did not think was a very great amount where the annual consumption was 37,000,000lb. Nevertheless this fact afforded some ground for supposing that the consumption of chicory did interfere in some degree with the consumption of coffee; and, as it was his duty to protect the revenue, it might be necessary hereafter to propose a small tax upon home-grown chicory. It would be a very serious matter to introduce an excise regulation in the cultivation of chicory. He should be most unwilling to do so, and nothing but a case of strong necessity would justify him in taking such a course. But he wished all parties interested to be warned that if the conviction should be forced upon him that it was his duty to make any such proposition, they must not be led into error by his declining to say more on that subject now. With regard to the present Motion, he would simply repeat that a stronger case must be made out before he should feel himself justified in interfering with the comforts of the lower orders of this country to the extent which that Motion invited him to do.

MR. ANSTEY had some doubts as to the Chancellor of the Exchequer's statements as to the increase in the consumption of Ceylon coffee.

The CHANCELLOR OF THE EXCHEQUER said that he would read the gross returns of coffee imported from Ceylon during the last five yers. In the year

1844 there were imported 14,000,000lbs.; in 1845, 16,000,000 lbs.; in 1846, 17,000,000lbs.; in 1847, 27,000,000lbs.; and in 1848, 30,000,000lbs. In the last three months there had been, as he had already stated, a falling-off to the amount of 600,000lbs.

SIR J. TYRELL said, that the last few words of the Chancellor of the Exchequer sounded to him rather ominous. The right hon. Gentleman thought it proper to warn the growers of chicory, and to put them on their guard that it might become necessary for him to impose upon them an excise duty next year. Chicory was an existing crop. He (Sir J. Tyrell) knew a farmer in his neighbourhood who had grown from twelve to fifteen acres of it, upon which he had realised in the London market 15*l.* an acre. To such men the right hon. Gentleman's warning was indeed an ominous one. It was said that the chicory mixed with coffee amounted to one-third part, but there was good reason to believe that it was more likely to be one-half. Taking into account the quantity of coffee consumed, it could be easily seen how very large and important an article of consumption chicory had become. So that when the Chancellor of the Exchequer shook his head and let fall ominous words about new excise duties, it really became a question of free trade; and it seemed very hard that if English agriculturists could obtain 15*l.* an acre by the growth of any article, they should be immediately stopped after all they had suffered. It behoved them to keep a sharp look out—to have a man constantly at the mast-head to see what was intended.

MR. URQUHART said, that it seemed to be a case of freedom of agriculture. But the object of the present Motion was not to prevent either the growth or the consumption of chicory, but merely to arrive at the point at which chicory should be used as chicory, and not imposed upon the buyer as coffee—a point which could be arrived at simply by enforcing the law as it stood. The Motion sought to press upon the Government the execution of a law which that House had passed; and if, upon the show of any reason or expediency, the Government could defend its suspension of a law, he could not see why they (the Members of the House of Commons) should sit in that place, or pass laws at all. The Motion had been treated as if it had originated solely with his hon. and learned Friend the Member for Youghal; but such was not the case. It was founded upon representations and a petition, which had been presented to the House, signed by thirty firms engaged in the coffee trade. He denied that the Act of 1822, either in its construction or enactment, gave facility to the Treasury to depart from its letter. On the contrary, it left them without any option in its enforcement. The 4th Clause of the 3rd George IV., c. 53, provided that any person selling chicory or such material should take out a license, which was not to be granted to dealers in coffee. The Board of Excise was ordered to enforce the law, and he denied that it was left to the Treasury to dispense with it.

MR. M'GREGOR said, that during his connexion with the Board of Trade, this question had been often brought before it, and he should say that he thought it would be perfectly impossible to prevent the adulteration of ground coffee, or of anything in a pulverized state. To attempt such a thing would require great and intricate machinery, and it could never be effectually prevented after all. But as to the imposition of a new excise duty, he would rather see the present duty taken off hops, than another excise duty established. To meet the falling-off in the importation of coffee and the increased consumption of chicory, he would recommend the reduction of the duty on foreign-grown coffee, so as to cheapen it to an extent that would hold out no inducement for adulteration. He believed the Chancellor of the Exchequer was quite right in asserting that the admixture of chicory improved the cheaper and inferior coffees, and that it was only the high-priced and high-flavoured foreign coffees that were injured by the adulteration.

MR. P. BENNET said, that the growth of chicory was a most important matter to the agriculturists; and he strongly recommended freedom being given to its production and sale.

MR. ANSTEY said, that his proposal was simply that the duty on colonial coffee should be taken off—that colonial coffee should be placed upon precisely the same footing as English chicory. The Chancellor of the Exchequer, on the contrary, proposed to raise English chicory to the position of colonial coffee. His (Mr. Anstey's) proposal was that the existing law should be enforced, and by that law the English agriculturist might grow, and the English dealer might sell, chicory, subject merely to the proviso that dealers in coffee

should not be dealers in chicory also. The consumer might then determine for himself what proportions he would mix for use.

Sir C. M. BURRELL said, that if the Chancellor of the Exchequer intended to impose an excise duty upon chicory, a large quantity of which was grown for the purpose of feeding sheep, it would be a direct contravention of free-trade principles, and a gross injustice to the agriculturists, who were suffering already from the effects of free trade in another direction.

The CHANCELLOR OF THE EXCHEQUER said, that although the question had not properly been raised in that debate, he might be permitted to say that he never had said that he thought it possible or expedient to impose a duty upon chicory grown for the use of sheep. He merely alluded to chicory when roasted for the purpose of being mixed with coffee.

The House divided :—Ayes 11; Noes 62: Majority 51.

List of the Ayes.

Blackstone, W. S.	Stuart, Lord D.
Boldero, H. G.	Tyrell, Sir J. T.
Buller, Sir J. Y.	Urquhart, D.
Burrell, Sir C. M.	Wodehouse, E.
Cochrane, A. D. R. W. B.	TELLERS.
Miles, P. W. S.	Anstey, T. C.
Mullings, J. R.	Baillie, H.

List of the Noes.

Abdy, T. N.	Hindley, C.
Aglionby, H. A.	Jackson, W.
Barnard, E. G.	Langston, J. H.
Bennet, P.	M'Gregor, J.
Blake, M. J.	Milner, W. M. E.
Brackley, Visct.	Mostyn, hon. E. M. L.
Brown, W.	O'Connell, J.
Charteris, hon. F.	O'Connor, F.
Clay, J.	Osborne, R.
Clerk, rt. hon. Sir G.	Packe, C. W.
Cobden, R.	Palmerston, Visct.
Compton, H. C.	Parker, J.
Drummond, H.	Pigott, F.
Duncan, G.	Pinney, W.
Duncombe, hon. O.	Plowden, W. H. C.
Dunne, F. P.	Portal, M.
Ellis, J.	Pugh, D.
Evans, J.	Robinson, G. R.
Ewart, W.	Shafto, R. D.
Forster, M.	Smith, J. B.
Fox, W. J.	Somerville, rt. hn. Sir W.
French, F.	Stanton, W. H.
Gibson, rt. hon. T. M.	Thicknesse, R. A.
Graham, rt. hon. Sir J.	Thompson, Col.
Granger, T. C.	Thornely, T.
Hallyburton, Ld. J. F. G.	Walmsley, Sir J.
Harris, R.	Walter, J.
Hawes, B.	Willyams, H.
Henry, A.	Wilson, J.
Heyworth, L.	Wilson, M.
Wood, rt. hon. Sir C.	Wortley, rt. hon. J. S.
TELLERS.	
Hill, Lord M.	Tufnell, H.

PUBLIC EXPENDITURE AND TAXATION.

Mr. DRUMMOND rose to move the appointment of a Committee to consider the public expenditure and the existing system of taxation. He said, that he rose with the greatest hesitation and embarrassment, which every one felt in rising to address the House when he had reason to suppose that the minds of hon. Members were preoccupied with a subject very different from that upon which he was about to speak. Having lately read *The Memoirs of P. P.; or, the Importance of a Man to Himself*, some hon. Members might be disposed to think that he was exaggerating the importance of his own Motion, and that it was his duty rather to pay deference to the House, and forego the discussion in favour of the Bill which was to follow (the Marriage Bill). But, whatever might be the case in that House, he believed that throughout the country there was a far greater number of persons who desired to be exempted from taxation, than there was of persons who wished to marry their wives' sisters. He believed, moreover, that upon this and similar questions had turned no mere matters of ephemeral politics, but the stability or overthrow of every throne in Europe, as well as the stability of our own. At the commencement of last Session he ventured to express his surprise that Her Majesty's Ministers had not come down to the House and proposed themselves some plan of finance to relieve the taxation, adequate to the universal demand which was made for it; or, if they were unable to devise such a plan themselves, that they had not sought the assistance of a Select Committee of the House to aid them. His surprise was founded partly upon the peculiar circumstances under which they had been appointed to office, partly on account of the great agitation that there was then in the country on the subject of taxation, and partly, also, upon the expectations derived from the recollection of their speeches when out of office—which expectations those speeches were intended to excite. At the close of the Session he expressed his surprise that they still persevered in refusing to give any intimation of their having any such plan in contemplation; and he also said that if they did not do so at the commencement of this Session, he and those who thought with him would be

driven to look to some independent Member to take up the matter himself, and call upon the independent Members of the House to follow him, not for the sake of making ephemeral speeches, but with the determination to draw from the House a plain and intelligible declaration, that the country might know what they had to expect at their hands, and also to lay down a broad and intelligible principle, not only for the guidance of the present Ministers, but for every other body of gentlemen whom the Queen might call upon in future times to administer the affairs of the country. He begged pardon for these egotistical reminiscences, but he was anxious *in limine* to take away the prejudice from the minds of hon. Members that he had undertaken, uncalled for, a position which had been better left to abler heads and in abler hands. But the House would perceive that there was no probability of this question being undertaken at all unless he or some person like him undertook it. His belief was—and he did not think it could be contradicted from history—that there never was a systematic and successful rebellion against the ruling class of any nation except from the pressure of the higher. He had used the word "higher" advisedly, because it never had mattered anything whether the ruling class took the form of an absolute or a limited monarchy, or a republic, or anything else. As feudal violence went out, fiscal exactions grew up; and the people had been—he did not like to say plundered, but they certainly had had taken from them that which ought not to have been taken. It was Louis the XIV.'s extravagant wars and the puerilities of the palace of Versailles which caused the distress and misery which broke out in the days of his great-grandson, and swept everything away. In the same manner had our national debt begun with the wars of the House of Hanover, and had gone on increasing up to the present time, until it had reached an amount which would have appeared fabulous could it have been foretold to those who began the debt originally. If we had not the manliness to look our position in the face and dare to grapple with it now, it would assuredly be forced upon our attention in unquiet times, and when the agitation of it would be accompanied by the many aggravations which always attended the outbreaks of infuriated mobs. He was much tempted to dwell longer upon this part of his subject, though he should not do so; because it was only as the Legislature were impressed equally with himself as to the imminence of the danger, that they could ever be induced to look for measures adequate to the emergency. If they shut their ears to the voice of history; if they shut their eyes to the events that had passed around them during the last fifty years; if they would suppose that we had a charter from heaven to preserve us from the fate which had attended every other nation, while we were pursuing the same course; if they deferred taking those steps which alone could avert the evil, there was no help for it. If they would sit with selfish and listless indifference, in the hope that things would last out the term of their official existence, there was no course left for those whose boast it was to be British statesmen, but who appeared to have all their faculties obscured by official routine—who seemed to be bound hand and foot by red tape—but to wait till another wave came of that deluge of democracy which had already overwhelmed every Government of Europe, and which had, more than we were inclined to admit, come upon ourselves. He did not say that any measures which could be recommended would save them; but if they would part with their selfishness, if they would "be just and fear not," if they would be determined to relieve the poor, if they would so feel for them as to resolve that they should be relieved, that might, under God's blessing, be the means of lengthening their tranquillity; but if they did grapple with this question, they must lay hold of it honestly. They must not take it up merely for the purpose of amusing the people with delusive hopes, leaving them afterwards to writhe with mortification at the delusion which had been practised upon them. They must endeavour to be honest, and to be honest they must revise every part of our taxation system; they must be prepared to part with many favourite associations, with many prejudices, and many long cherished habits. His Motion was for leave to go into a Committee of the whole House in order to move certain resolutions. Upon this subject the language of some of the petitions on the table expressed his views with considerable truth—

"That all classes of productive industry laboured under serious depression, arising from the great reductions in the profits of capital and labour, and from the diminished consumption caused by the excessive pressure of local and national taxation."

He did not pledge himself to those words,

but this was the substance of his views. He held it to be a sound principle that we ought to pay for protection in proportion to the value of that which was to be protected, and also in proportion to the social condition which we filled. According to a calculation he made on a former occasion, he would suppose there were 30,000,000 people in this kingdom, and take 5,000,000 as the number of families, and he would say that there was a million of these families in the greatest misery and distress; there was another million consuming twice as much as the first; a third consuming three times as much as those below them; a fourth consuming four times as much; and a fifth million consuming five times as much as all the rest. He would say that the taxation should be removed from the lowest class altogether, and that it should be laid upon the other classes in the same way as the assessed taxes were laid on at present—that was, make them mount up progressively. [The CHANCELLOR of the EXCHEQUER dissented.] The Chancellor of the Exchequer, he observed, shook his head. That shake of the right hon. Gentleman's head reminded him of an anecdote which Lord Ashburton once told him. His noble Friend, then a Member of the House of Commons, was sitting next to Mr. Hunt, when some one talked of laying all the taxes on the rich, and none upon the poor; Mr. Hunt said that that would do very well on the hustings, but it would not do in that House, because if they wanted to raise millions they must tax millions. He (Mr. Drummond) defied them to lay on a tax that would not press upon labour indirectly, and therefore they should, by every means in their power, endeavour to relieve that class. Let this be their systematic object, although it would not follow they would be able to effect it. But, more than that, he understood that, upon a Motion being made upon this subject in the time of Lord Althorp, that noble Lord said, "Oh, that would be confiscation." Now, on a question relative to "short horns," Lord Althorp's opinion might be regarded as final, but on matters connected with finance it was not worth more than that of any other individual. It was obviously of very little importance to the day labourer who sat in the House of Lords. In an article which appeared some time ago in the *Edinburgh Review*, the eloquent writer, Mr. Macaulay, he believed, said, "It is a very poor consolation to the man who has had no dinner, and will not have any supper, that the Queen cannot make war without the consent of Parliament." The privileges of the constitution were exceedingly valuable to those who profited by them; but to the vast mass of mankind they were wholly inoperative. Gentlemen would bear with him when he said that he did not agree in the assertion often made on the other side of the House, that taxes were made by the landed interest, who commanded the majority of votes there, intentionally to press on the humbler classes. The reverse had most clearly been proved to be the fact by the hon. Member for Buckinghamshire, and no one had attempted to answer his statement. But it was said in the same way, that, as unintentionally there was an indirect tendency in masters always to combine against their labourers, so there was unconsciously to themselves an indirect tendency in that House not to make taxation equal; that was, to make it equal in a certain sense, but unequal in another sense—equal in the sense of a poll tax, which was the most unequal of all taxes, for it could not be denied that to take 1*l.* from the man who had only 10*l.* was to take more from him than it would be to take 10*l.* from one who had 100*l.*, or to take 100*l.* from one who had 1,000*l.*, or to take 1,000*l.* from one who had 10,000*l.* It ought, then, constantly to be the intention of the House in all their modes of taxation to relieve the very lowest, and to press on the very highest; for, if that intention were not cherished, the involuntary effect would be that taxation would press more on the lower classe than on Members of the House. And this was the truth of what had constantly been repeated by the hon. Member for Finsbury, a Gentleman whose protracted absence he regretted, that the poor would never have justice done them in that House till they sent so many Members to Parliament. He (Mr. Drummond) would also propose a resolution in Committee, that in order to alleviate the weight of those burdens which pressed on the people, it was necessary to levy all taxes, stamps, and other duties on the same principle as the assessed taxes. Their object for some time past had been to reduce prices to the Continental level, or rather, to the level at which they were before the war. He was not going to find fault; he believed they would come to that level in despite of anything that might be said or

done. He did not believe it possible to keep peace on the Continent long, and maintain a difference of prices between this and other countries. It now remained that they should have the benefit of what they had done. They would have the whole expenses of the Government back to what they were in 1794—neither one shilling less or more. It could not be said of this as it had been of the plans of the hon. Member for the West Riding of Yorkshire, that they were arbitrarily fixing the amount of their defences; because there might be other wars, and nobody knew what. On the contrary, the whole salaries paid for the public service had been raised on the express plea that commodities had arisen. Contracts had been made in the Hampshire unions for mutton at $3\frac{1}{2}d.$ per pound; and they must have salaries at $3\frac{1}{2}d.$ too. They would have the free-trade system carried out. He often heard, rather out of doors than in that House, language made use of towards official people, as if there were a disposition to mulct them of their salaries for some official misdemeanour. He adjured all hon. Gentlemen to bear in mind that it would be no pleasure to him to propose any alteration whatever in any person's comforts and habits. Some one spoke of an Act of Parliament to give confidence to Ireland. What a blessed Act of Parliament would that be! If he could only frame an Act of Parliament which should have the effect of giving 10,000*l.* to every Gentleman who heard him, he would be only too happy. But the question was one of necessity. Distress might be past endurance; and he wanted Parliament to relieve those who suffered, that they might not be forced to relieve themselves. He did not like to go into detail. That would be done better in Committee. But he had a great many instances to adduce of increase of salary. One thing there was which ought to be put an end to—namely, the whole civil department of the Army and Navy. He alluded particularly to the extraordinary sums thrown away for basins and vessels, for which they had not anything to do. Why should they have persons in the public service who had nothing to do but twirl their thumbs? He would say to those Gentlemen who had never been Members of a Government, that the noble Lord himself at the head of the Government, who was pretty determined when he took anything in his head, could not reduce salaries unless the House forced him. The noble Lord had no alternative but to carry into effect a resolution of that House, and unless the House armed him with a resolution he could do nothing. There had been many debates on the colonies. There never was an abler man at the head of that department, nor one more active or more zealous in the discharge of his duty, than Earl Grey. The colonies were, notwithstanding, in the condition he (Mr. Drummond) had ever apprehended. There was a report on the table presented by Sir G. Murray, when at the head of that department, and signed by his under-secretaries, Mr. W. Horton, and Mr. W. Hay, recommending that the colonies should be governed by a board, and calling on the House to sanction the appointment of one. Adam Smith said colonies would always be an expense to the mother country, and nothing but pride had prevented Parliament from giving them up long ago. If they had any pride of that kind it was a very foolish pride. The mother country ought to act towards her colonies in the same dignified way as parents to their children; and if any one's offspring were enabled to establish themselves well in the world, and independently of their father's house, the parent ought rather to rejoice than jealously keep his child in perpetual pupilage. If a child were not able to support itself, it should ever be welcome to its father's protection. So of the colonies. It might be of advantage if Parliament would facilitate emigration, send to the colonies at least all those unhappy young persons who were educated in unions, and give grants of land and passages in idle ships. A society with which his hon. Friend the Member for Berwickshire was connected, and which professed to facilitate emigration, exacted too hard conditions. The only thing necessary to qualify a man for emigration was an empty pocket and an empty stomach. The colonies would become profitable to this country by becoming better customers than they were; but let not the colonies lay the flattering unction to their souls that, in the majority of instances, they could ever become the sugar manufacturers for England: the cane was indigenous in very few places. By forced prices people had been enabled to cultivate it in spots where it lasted only for one year. Consequently, on all grounds between those where it was perennial, and those where it would not grow at all, it was simply forced by protection, which was, in fact, an expensive way of manufacturing, which the colonists might rest assured was gone for

ever. In like manner it would be impossible to restore a bread-tax again. He had no patience with the cruel heartlessness of those impostors who, taking advantage of the distress of the tenant farmers at the present time, ran about the country trying to persuade them that their prosperity would be restored by a fixed duty of 5*s*. He had never taken any part in that bread-tax agitation. He saw, or thought he saw, it was nothing but a contest between two egotisms, two selfishnesses—between the selfishness of the landlord, and the selfishness of the cotton lord. He had no sympathy with either. Not that he was against all selfishness. If a man had gout in the stomach, he would wish to get it rather in his toe. The toe said it was very selfish in the stomach to wish the gout so transferred. These were contending selfishnesses, but the one was a destructive and the other a conservative selfishness. It was much better to have the gout in one's toe than in one's stomach. The imposition of an *ad valorem* duty on everything passing between France and England had been proposed to Mr. Huskisson by Baron Louis, the then French Minister of Finance. Mr. Huskisson and Mr. (afterwards Lord) Wallace were anxious for the measure, but Ministers were unfortunately against it. So long as a revenue must be raised, so long must a Custom-house exist. The evil of monopoly was, that mask it as they would, it was, in point of fact, taking something for somebody from everybody else—something which was put into the pocket of the person protected. There was a constant tendency in all masters to combine against their workmen. The labourer was no match for the capitalist. The capitalist could command any market that he pleased, but the labourer could command no market but his next-door neighbour. That was the ground on which the Crown, the common parent, ought to stretch forth its hand to protect those who were in fact, whatever they might be in law, *adscripti glebæ* against the capitalist; in other words, Parliament ought to encourage, by those Custom-house duties, the home market. [Mr. SPOONER: Hear!] Not so fast; he was not thinking of the hon. Gentleman. When the capitalist disposed of his produce to another, he put in action another mass of capital. If the other mass of capital against which he exchanged it was in the home market, it employed another mass of capital in the home market; in other words, it secured employment to the home labourer instead of the foreign labourer; but there would be no restoration of the corn tax. He should propose a resolution also on that subject. There was an outcry against extravagance by people who were guilty of extravagance themselves. There were measures which the Government would not have adopted except to please the people. Why did Parliament abandon the Post Office duty? To please the bankers and merchants of the country. Then large sums were thrown away on building palaces for thieves, because, instead of flogging thieves, people would teach them to spell; and, instead of hanging murderers, people would put marks upon them, and set them to read the *Whole Duty of Man*. The admirers of the fine arts were gratified by the purchase of statues and pictures. He would not say one word against all those things if they were overflowing with wealth; but when the question really at stake was the public peace, he must say, that as it would be improper, nay, immoral, for any individual to waste his money on those things, it was equally so in a nation. Although afraid to meddle with the word "Ireland," he must observe, that it was by a different management of Ireland that they might obtain the most immediate relief. If they were to govern it as a savage country they would put it under martial law, try offences at a drumhead court-martial, and get rid of all that foolish paraphernalia of judges, juries, learned counsel, and he knew not how many people, when they were incapable of finding any one man guilty who told them with his own mouth he was guilty, as every one thought him but the judges and jury. If, on the other hand, they were pleased to treat Ireland like a civilised country, then they ought to make the lords-lieutenant of counties responsible for the preservation of the peace within their respective jurisdictions. He supposed there were people there fit to be magistrates. Let the old Saxon law be re-enacted which fined every barony for every act of outrage committed within its limits; let that law be extended to the case of every man who was found starved, and leave the parties to the result. If those measures were taken, a portion of the army might be disbanded, and the country would obtain immediate relief to that extent. It was not his intention to propose any resolution on that subject, because it was a matter which had better be left in

the hands of the Executive. After all, however, but little would have been done in the way of relieving the springs of industry from the great pressure upon them if Parliament omitted to deal with the national debt. It would be all very well to shift the burden of taxation as he proposed, and to make the reduction of salaries which he suggested; but the effect of those measures would be more of a moral than of a material nature. Their adoption would show the people that there existed a determination on the part of the higher classes of every grade to make sacrifices for their benefit; but was it possible that those whom he was addressing could believe that the national debt was to remain for ever? or were they afraid to look at it because it was so monstrous—this 800,000,000*l.* of capital, and 28,000,000*l.* a year of interest? This debt, observe, began at the same time at which the miseries of France commenced. It went on increasing through the reigns of the Georges (perhaps we incurred it as a punishment for turning off our lawful King), until, at length, it reached an amount that imposed a burden on this country greater than any people ever endured before. It might be said that endeavours had been made to alleviate the pressure of this burden by spreading it over a greater mass of the population. That was all very true, and the argument would be worth something if the amount of taxes, and the value of the capital from which those taxes were raised, always went together, but, unfortunately, that was not so. Take, for instance, the case of manufactures during the time of a panic; persons might be heard to say, "Such a man must be rich; he works four mills," when, in fact, he might be losing money by every one of them. What could be more absurd than to say that a man who had a large estate at this moment must be rich, when it was notorious that farmers must give four sheep instead of one, ten fleeces instead of one, ten loads of wheat instead of one, to pay the same amount of taxes as they paid a few years ago? It was evident, then, that the value of capital was not necessarily commensurate with the amount of taxation paid. To do them justice it must be stated that every Minister who added to the debt, confessed that unless something were done to lighten its pressure, it must ultimately ruin the country. This would be apparent to those who took the trouble to consult the Parliamentary history, or memoirs of public men, and the point was accurately set forth in Sir John Sinclair's *History of the Public Revenue.* When Pitt was adding to the debt, the promise was continually in his mouth that he would obtain indemnity for the past, and security for the future. The Birmingham school were right in alleging that the pressure of the debt had been immensely aggravated by the Bill of 1819; but the Birmingham school was not quite so wise then as it was now. The man in the House who understood the question best at the time was Mr. Ricardo, and he understood it very badly. Mr. Ricardo thought that the whole amount of the depreciation of the currency was the difference between the internal and external price of gold; but he did not understand that the whole of the currency, not paper only, but gold, had been depreciated, and that the only way to arrive at the real amount of depreciation was to measure the currency by all articles of raw produce for many years preceding. It was too late to discuss those points now; the question was settled. If any person were, to-morrow, to come from California with 800,000,000*l.* of gold, and pay it into the Exchequer—[The CHANCELLOR of the EXCHEQUER: Hear, hear!]—the Government would able to remit the mass of taxation; but it was very doubtful whether the disturbance which would be caused throughout our whole social system would not be a greater evil than "bearing the ills we have." To be beneficial, the reduction of the debt should be gradual. What was the evil of the debt at this moment? It was that an enormous mass of capital was locked up and remained unproductive. There were but two ways of turning capital into a country, either by digging it out of the soil—a thing which we had long practised, although the Irish had never yet heard of it—or by letting free capital that was locked up. What was capital wanted for? The manufacturer wanted capital at a low rate of interest to extend his business, for an extension of business was essential to all branches of industry, whether manufacturing or agricultural, in order to balance diminished profits. The mass of business had immensely increased, whilst profits had decreased. The landlords wanted capital to lower the rate of interest; the farmers wanted capital to extend their business. Supply capital, and you raise the marketable value of all things. Now, look at the national debt. Everybody said he would like it to be paid, but asked

whence the money was to come from. There were but two classes in the country —rich and poor. Much could not be got out of the latter, and, therefore, the money must come from the rich. Was it intended ever to pay the debt? We had, he believed, gone on with the debt so long, that it never crossed the mind of any one that it was ever to be paid; and the end would be, as Cobbett said long ago, that it would blow them up. If the debt was to be reduced, the reduction must be gradual. What he would propose to do would be to empower the Government to buy up the public annuities as they might be offered in the market. He would raise the sum required for that purpose—which would not be a very large one at first—partly by a tax upon property, and partly by the equalisation of the land-tax. By operating in this manner there never would be a glut of offers—so to speak—in the market. If an attempt had been made to carry out this or any similar measure some years ago, the consequence would have been that capital would have gone into French railways or Spanish bonds, or nobody knew what; but now not a shilling would go in that way. The operation would always be in the hands of the Executive, and there would never be more annuities thrown into the market than could be profitably disposed of. He called upon those who felt the importance of financial questions to go into Committee, where such subjects could be discussed; for in that House it was impossible to discuss them. He called upon all who did not profess to be financial reformers merely as a mask to cover attacks upon the constitution of the country not to set up a dogged opposition to everything which did not exactly square with their views, but to go into Committee, where the whole subject could be properly considered. Above all he prayed those Gentlemen in that assembly who knew something about the science of Government, and who alone were capable of carrying it into practice, not to be persuaded that it was impossible to relieve the country in the way he proposed merely because it had not crossed their official experience, and they were unable to find any trace of such a proposition in the records of their offices. Let it not be imagined that the question would end with that debate, for there was no other subject which could be discussed within those walls in which the people at large took so much interest, or upon which the tranquillity of the empire so much depended.

Motion made, and Question proposed—

"That this House do resolve itself into a Committee, to consider the Public Expenditure and the existing system of Taxation, and how far both may be revised, with a view to relieve the pressure upon the industry of the Country."

MR. URQUHART seconded the Motion. Instead of following out the new-fangled system of modern times, which had been devised for no other purpose than to increase Ministerial power, it would be far better to return to the old practice. He had opposed the free-trade policy, as it was called, because it was imperfect and one-sided. There ought to have been free trade in gold as well as in corn. He had no expectation of the Motion being carried, still, he thought that good would arise out of the discussion. He rejoiced that the proposition had come from the Opposition side of the House, because it was in accordance with the old Tory principles of Government. The Whigs were the first to impose taxes on trade, and to set up what was called the monetary system. All the abuses of which the country now complained were introduced by the Whigs, at and subsequently to what they called their "glorious revolution." Before that period the taxes, few as they were, were placed upon those who could best bear them. As to the national debt, it was the consequence of Ministers entering into war-producing treaties without the sanction of Parliament.

The CHANCELLOR OF THE EXCHEQUER admitted that if the hon. Gentleman who had brought forward the present Motion had set out with the intention of making an entertaining speech, in which he might give utterance to opinions of every shade, from Jacobitism to Socialism, he had gained his object, although it was to be regretted that the House was prevented from proceeding to the discussion of a measure upon which it was important that there should be a decision. If the House should show any disposition to go into Committee upon the manifold subjects to which the hon. Member for West Surrey had drawn attention, he warned hon. Gentlemen that there was work marked out in the resolution sufficient not only to employ the attention of a Committee of that House, but to engage the attention of Parliament for an entire Session. There was, indeed, hardly a subject which could come under the consideration of the House of Commons which the hon. Gentleman did not propose to include in

this inquiry. He had shortly taken down the topics touched upon by the hon. Gentleman, and would allude to them in the order which he had himself adopted. The hon. Member, after administering a lecture to the House upon selfishness and injustice, and upon the necessity of getting rid of all associations, had in the first place proposed the adoption of a system of taxation, which should mount up progressively. Now, as to whether the hon. Member meant by that a system of graduated taxation, the House was left in the dark. Sir W. Ingleby, some years ago, had made a proposal to the House, whereby Dukes, Marquesses, and Esquires, were to be subjected to a graduated scale of taxation, according to their rank; but the proposal was not received with much favour. Then, after ridiculing an opinion expressed by Mr. Hunt, that, in order to raise millions, you must tax the millions, the hon. Gentleman said it was impossible to impose taxation which should not press upon the millions. The hon. Member stated, that the hon. Member for Buckinghamshire had refuted the assertion that the landlords of this country were guilty of selfishness, or that they imposed a system of taxation for their own exclusive benefit; but the hon. Member for West Surrey now said that the tendency of our legislation was to oppress the labourers. The hon. Gentleman then proposed to move a resolution for the reduction of all salaries to the scale in force previous to the war. His hon. Friend the Member for Montrose had given notice of a similar Motion. [Colonel SIBTHORP: Hear, hear!] But it would not be very wise to grant that Motion; and he would tell the hon. and gallant Colonel why. It would be a most extravagant thing to do; and the effect of the alteration would be to increase rather than to reduce the amount of incomes. The hon. and gallant Colonel might stare, but the fact would be so. For instance, the salary attached to the office of an hon. Colleague of his (the Secretary of State near him) was 6,000*l.* before the war, now it was only 5,000*l.* The official salary of the President of the Council was 2,000*l.* at the present moment; before the war it was 4,000*l.* He doubted, therefore, whether any change in salaries would tend to economy. With reference to the offer of the hon. Member for West Surrey of 10,000*l.* a year to Members of that House, all he could say was, that it was a tempting proposal, if it were possible, to receive that amount of salary, and have nothing to do for it. As far as his own office was concerned, the salary before the war was higher than it was at this moment. The hon. Gentleman next proposed to sweep away the civil service in connexion with the military department; but that question had already engaged the attention of a Committee of that House, and it would be a gross waste of time to have two investigations into the same matter going on at the same period. He would also introduce a system of half-salaries into the colonies. The House had already had two Motions upon the colonies during the Session, by the hon. Members for Inverness and Berwickshire; and notice of two other Motions had been given by the hon. Members for Southwark and Sheffield, and he did not think it desirable to open up another general discussion upon that subject. The hon. Member next advocated a large system of emigration and free passage. That might be a right measure; but it certainly was not an economical one. The hon. Member said, that hard terms must not be imposed upon the emigrants; that all that was required was an empty mouth and empty stomach. Now, the colonists would not much like that. What the colonists wanted were skilled labourers, and not men whose only characteristic was an empty stomach. A measure of that kind, therefore, would be neither economical to this country, nor advantageous to the colonies. After dealing with the colonies generally, the hon. Member came to the sugar colonies, contending that they could produce sugar no longer, but scouting the notion of restoring any protection to them. I hope and believe that the hon. Gentleman is wrong in his anticipations of their future production. The sixth proposition of the hon. Gentleman embraced the bread-tax. What the precise nature of the resolution of the hon. Gentleman as to this was to be did not appear; but the hon. Gentleman discarded the notion of reimposing the duty on corn. The general question of protection, upon which the hon. Gentleman had touched, would open up a wide field for discussion, upon which he must be excused from embarking. The hon. Gentleman next referred to the penny postage; and here he (the Chancellor of the Exchequer) desired to remove a misapprehension as to what had fallen from him on a previous occasion on this subject. What he had stated was, that between 1839 and 1840 the num-

ber of letters had increased from one million and a half to three millions, and that the number of letters had doubled in six years. The number of letters was now quadrupled to what it was at the commencement of the penny post system. The merchants and shopkeepers of this country were not the only parties who benefited by this system; but it extended its influence to the community at large. Then the hon. Member objected to the improved prison discipline of modern times, and regretted the days of hanging and whipping. He supposed he would propose a resolution to that effect; but the hon. Member would probably not find many Members to agree with him in his views on this subject. The hon. Member, who almost appeared to think that the public debt was a just punishment upon us for the crime of getting rid of James II., would, by his resolutions, open a pretty wide field of discussion relative to the currency, and the amount of depreciation which it had undergone since the war—matters which would very well of themselves occupy the House for three or four nights. The strangest proposition of the hon. Member had reference to Ireland: he would fine every barony in that country for every case of starvation that occurred. The hon. Member then touched upon the public debt and the currency, but both of those were questions of far too wide a range to be discussed in the manner proposed. The hon. Member who had seconded the Motion had complained that we had not free trade in gold, and the hon. Member for West Surrey went on to state that the public debt was so much capital locked up in this country. Now, he could not understand that statement. If the hon. Member alluded to past expenditure, the money had been spent long ago; and the expression of locked-up capital was hardly applicable to capital which had been spent. He had now gone through the thirteen topics to which the hon. Member had referred. The hon. Gentleman proposed, in addition, that other hon. Members should add other subjects for discussion in lieu of those of his suggestion, to which they should object. [Mr. WILSON: It's a programme for half a Session.] The hon. Member also referred to the necessity of a revision of taxation. Now, it seemed to be forgotten that year by year there was a progressive revision of taxation. From the peace downwards, that revision had been going on, the effect of which had been to remove from the consumer and the manufacturer a large amount of taxation. Leaving out of the question the property tax and corn tax, it appeared that since 1815, upwards of 30,000,000*l.* of taxes had been remitted. The produce of the Customs duties in 1845 was 20,700,000*l.*, and last year they were 22,593,976*l.*, showing an increase, within the last four years, of upwards of 1,893,976*l.*; and yet, in the course of these years there had been remitted upon the customs alone no less a sum than 4,681,000*l.* This was irrespective of the corn duties, which he left out of the question. The general tendency of the legislation of the House since the peace downwards till the present time, had been to give relief from those taxes that interfered either with the employment or the general consumption by the people. The hon. Gentleman had reproached the Government for not fulfilling its promises of reductions, made before it came into power. Now, in the first place, he had made no such promises; and in the next, since they had acceded to office, they had effected reductions to the extent of two millions and a quarter within the last two years; and he thought that a pretty good proof that they had not been regardless of the necessity of effecting such reductions as the interests and safety of the country justified. But, returning to this Motion for a Committee, he thought it would be a mere waste of valuable public time, which was urgently required for more practical objects of legislation, and he, therefore, called upon the House to resist what he believed to be a most unnecessary Motion.

MR. SPOONER did not consider that the House was bound to go into the Committee with all the views entertained by the hon. Member, or to enter into all the subjects adverted to by him. The question was whether they would resolve themselves into a Committee to consider the public expenditure and the existing system of taxation, and how far both may be revised, with a view to relieve the pressure upon the industry of the country. How could any Member of that House refuse to go into such a Committee, and answer for his vote to his constituents? Was any one of the great interests of this country flourishing at the present moment? Let the House look to the state of the agricultural interest. Landlords were receiving little or no rent, tenants were making no profits,

and had no money to pay their labourers, many of whom were without employment and were starving. It was said that the labourers had now cheap bread; but what was the use of giving them cheap bread if they took away their means of purchasing it? The Chancellor of the Exchequer stated that he had reduced the public expenditure; but if he (Mr. Spooner) had read the returns correctly, the public expenditure in the year 1842 was about 51,000,000*l.*, and at the present moment it was between 53,000,000*l.* and 54,000,000*l.* The right hon. Gentleman claimed credit for having reduced the taxes during his period of office; but if the Government had increased the expenditure and reduced the taxation, they must have increased the public debt. The right hon. Gentleman said that salaries were no greater now than during the war; but hon. Members must know that it was impossible for their constituents to bear that amount of taxation which they had paid when the country was in a more flourishing condition. But the fact was that a great increase in some salaries had taken place. The Master General of the Ordnance in the year 1796 received 1,500*l.*; he was now paid 3,000*l.*; the Surveyor General was then paid 825*l.*, and now 1,200*l.*; the Storekeeper used to receive 965*l.*, he now was paid 1,200*l.*; the Treasurer and Clerk formerly received 585*l.*, but now 1,200*l.*; and the salary of the Secretary, which was then 557*l.*, was now 1,600*l.* He was sure the great majority of that House would agree with him when he said that a subject of that kind could not be so conveniently discussed in that House as in a Committee. In the House, the superior debating powers of some hon. Gentlemen opposite placed other very useful Members of that House at a great disadvantage; but in a Committee there would be a much better opportunity and means of eliciting truth, and he should vote for the Motion of his hon. Friend, because he thought that they ought to have a Committee to investigate details. His hon. Friend, he was quite sure, had no wish to do anything but that which was perfectly fair and just —no wish but to proceed calmly and quietly in the process of removing or lessening fiscal burdens. If they told him that Parliament had no power to administer relief, he would say that they had better not proclaim that to the world, for it would be abandoning their highest function to admit that they could not devise anything for the relief of the country in its present circumstances.

SIR J. TYRELL said, he would not have risen to address the House at all on that occasion had it not been for the remark of the hon. Member for West Surrey, that those who had been attending the meetings which had of late taken place throughout the country were agricultural impostors, when they spoke of attempting to restore protective duties on the import of foreign corn. Now, though he (Sir J. Tyrell) did not agree with the right hon. Gentleman the Chancellor of the Exchequer on the subject of finance, yet he must say he thought he had gone far to show that the hon. Member for Surrey was a financial impostor. He understood that hon. Member to have called the gentlemen who had been recently meeting in his own county and speaking in favour of protection, a mass of impostors. He regretted to say that he (Sir J. Tyrell) had felt it to be his duty to attend similar meetings in the county he had the honour to represent; and, however lightly the Manchester school or any other school might think of such matters, he had no hesitation in saying, that, so far as his own county was concerned, they had given all the free-trade Members that were connected with it or its boroughs Parliamentary notice to quit. The borough of Harwich had been the only place they had been unable to touch; but there was now a great reaction in that neighbourhood; and one gentleman of great influence there had permitted him (Sir J. Tyrell) to state that his sentiments on free trade had undergone an unequivocal alteration, so that he (Sir J. Tyrell) had now to give the right hon. Gentleman the President of the Board of Control, the Member for Harwich, also, notice to quit. The hon. Member for West Surrey called them impostors, because they thought they would get back protection; but with reference to the present Motion of the hon. Member himself, of however grave a character he might consider it, he must say, after the way in which it had been handled by the right hon. Gentleman the Chancellor of the Exchequer, he did not think that it would sustain for the hon. Member that character for good sense and discretion he had hitherto possessed in that House. The hon. Member, too, had shown much levity in the course of his speech on many matters of serious importance, and on many others had failed to make out his position, and particularly with reference to the co-

lonies; in dealing with which part of the subject he went so far as to say, that, as regarded such colonies as were powerful and able to get along by themselves, he would let them go and be no longer a burden on this country; whilst the weaker colonies—those that were burdensome to us —he would support and maintain. The hon. Gentleman was also very inconsistent: he said he was anxious to increase the marketable value of land; but he (Sir J. Tyrell), although he had listened with great attention, found that the hon. Gentleman utterly failed to show how that was to be done. [*Laughter on the free-trade benches.*] He saw that this seemed "nuts" to the hon. Member for the West Riding; but, though Gentlemen might smile at the subject, after all the thousands that had been spent and advanced for drainage and other improvements in Ireland, still the problem of how the land was to be profitably cultivated amidst the starving thousands, remained just where it was before. He could tell the hon. Gentleman who made the accusation of "agricultural impostors," that he (Sir J. Tyrell had, again and again stated in that House, *usque ad nauseam*, that unless it could be shown that it was advantageous—not to the agricultural interest merely, but to all classes of the community — he would have utterly repudiated the idea of protection altogether; and he entertained the same feeling still. On the whole, the hon. Member had so much disappointed him as to the question he had brought forward, that, though the hon. Member for Warwickshire had intimated his intention to support him, he could not himself give his confidence to a Gentleman who had called those impostors who attempted to restore protection to British against foreign corn. He considered that the hon. Member for Surrey had entirely failed to make out his case, and, therefore, he could not accompany the hon. Member for Warwickshire into the lobby in favour of the hon. Gentleman's Motion.

Mr. MILNER GIBSON said, that the words of the hon. Member's Motion were perfectly unexceptionable; but when he came to couple that Motion with the speech which the House had just heard, he felt somewhat at a loss to see how he could support any such proposition. He professed himself utterly unwilling to give any sanction to the doctrines which the hon. Member had propounded to the House; he could not vote under his leadership for the appointment of any Committee, for he felt that in doing so he should be very liable to be misunderstood. For example, he could not support a high rate of postage, and many other matters which the hon. Member strenuously recommended. There were also many opinions expressed by the hon. Member relating to capital and labour to which he (Mr. Gibson) could not subscribe; at the same time, he by no means wished to be understood as placing any obstacle in the way of a revision and a reduction of the public expenditure. Nevertheless, he saw many objections to coming to any vote upon the present question; and though he would not go the length of his right hon Friend the Chancellor of the Exchequer, he thought the Motion of the hon. Member for West Surrey had much better not be put to the House; and, therefore, he should more the previous question.

Mr. COBDEN seconded the Amendment.

Mr. PLUMPTRE observed, that it was not his intention to vote for the previous question, nor could he agree with the hon. Member for Warwickshire in voting for the Motion of the hon. Member for West Surrey. The speech which had accompanied that Motion—and a Motion, allow him to say, on a very serious subject—had treated matters of the highest importance with a degree of levity of which he could by no means approve, and which, he regretted to say, had also been followed up in the speech of the right hon. Gentleman the Chancellor of the Exchequer. Now, he must take leave to say, that this was by no means a time, nor was that at all the place, for levity — when their workhouses were becoming full of ablebodied labourers —whilst so many were out of employment altogether, and those that were employed were working for one-third less wages than they had formerly obtained—whilst whole families were in a state of the greatest distress and misery, and ruin was threatening them from every side—whilst they were breaking the fortunes, nay, the hearts of their West India proprietors, and destroying the prospects of their shipbuilders— whilst so great a portion of their home population was driven to the verge of destitution and ruin, in order that they might carry out their one-sided system of free trade — surely such was not a time for levity or for joking. Whatever the Manchester or any other school might say, there would, he feared, be such a feeling ere long throughout the country, that the Government would be brought to say that

they could no longer go on in the course they were pursuing; for the whole country would call for the adoption of some system by which, at least, they should secure for the people that employment which was absolutely necessary for the peace and tranquillity of the nation.

Mr. JACKSON could not but express his astonishment at the speech of the hon. Member for West Surrey. He (Mr. Jackson) had come down to the House with the intention of supporting the Motion as it appeared on the Paper; but after what had since taken place, he was convinced that the very important question before them would sustain great damage if the present mode of discussing it were carried further; and, therefore, he could not support the Motion.

Mr. B. COCHRANE said, that although he had been present during the whole of the hon. Member for West Surrey's speech, he felt compelled to rise to state that he did not think the hon. Gentleman had been at all fairly dealt with by those hon. Gentleman who had accused him of approaching this serious subject with feelings of unseemly levity. Different individuals naturally had their different and peculiar styles in addressing the House, and certainly there might have been something, now and then, amusing in the course of his hon. Friend's speech; but he was sure that all those who had deeply thought on the question, when they came to read that speech, would certainly acquit his hon. Friend of anything like the charge which had been brought against him. There had, indeed, been levity upon this subject; but it was the right hon. Gentleman the Chancellor of the Exchequer, in his reply to the speech of his hon. Friend, who had evinced that levity, and who had taken advantage of his hon. Friend's having introduced various topics to overlook and override the main feature of that speech — namely, the principle which it laid down of throwing the burden of the taxation of the country upon those classes who were best able to bear it, and relieving the poorer classes from the crushing pressure upon them. That had been the tone and temper of his hon. Friend's speech; and he (Mr. B. Cochrane) was glad to have this opportunity of expressing his cordial concurrence in the principle which it had enunciated, because he believed it was one of the most noble and most worthy principles that could govern the conduct of a country or a legislature.

Mr. MUNTZ said, that he had not heard the speech either of the hon. Member for West Surrey, or of his hon. Friend the Member for Warwickshire; but, as regarded the Motion itself, he must say, that the terms of that Motion were unexceptionable; and that the subject of it was one which, whether it had been treated with levity or not on that occasion, could not be so treated for any very long time. It was not long since he had himself made some statements in that House which had, in some quarters, been treated with ridicule; but those statements he now begged to reiterate; and he would further observe that subsequent experience had more than confirmed the opinions he had previously advanced. The time had come when some means must be adopted by somebody or other, by which the taxation of the country must be removed from the industrious classes. That must be done—and must be done soon. Trade was deteriorated, the wages of all the manufacturing population was deteriorated—they were worse off than formerly, notwithstanding what was said about the reduction of prices—the condition of the industrious classes was daily becoming worse—and knowing that to be the case, he should give his hearty support to the Motion of the hon. Member for West Surrey.

Colonel SIBTHORP rose to support the Motion. Very few Gentlemen would have the firmness to rise and bring forward such a question, and he had to thank his hon. Friend for the manly courage he had displayed in undertaking it. If anything more than another would induce him (Colonel Sibthorp) to vote for this Motion, it would be to see the right hon. Member for Manchester, who was once a Conservative, and now a free-trader, oppose it, for the free-traders were ready to subscribe to or support anything, no matter how inconsistent. In 1797, they had as Ministers more hard-working men, who, though they were not so well paid as at present, were better taught. They now had Ministers possessing too much of the sticking-plaster quality. They could not be moved—they were glued to their places. It would take something to move them, and if he thought they would go, he would consent for a time to raise their salaries. He thanked the hon. Gentleman the Member for West Surrey for proposing this inquiry, though he might have gone into the question a little more than was advisable. Still it was a matter deserving of inquiry; and

when the right hon. Gentleman the Chancellor of the Exchequer, who should be the last man to do so, shrunk from inquiry, he (Colonel Sibthorp) must only say, "Conscience makes cowards of us all." These were the times for retrenchment; let them turn over things; closely pick out the good —they would find very few that were so— and throw away the bad. He thought he would be guilty of a dereliction of duty to his constituents if he did not give the hon. Gentleman the Member for West Surrey his cordial support and assistance in unrolling that mystery of trickery, trumpery, and trash that was to be found, if it were unveiled, in all the movements of Governments, whether Whig or Tory.

Mr. HEYWORTH considered the Motion of the hon. Gentlemen the Member for West Surrey of vital importance. There was no doubt that the agricultural interest was suffering severely, and that being the case, it behoved the House and the country to see to the cause that had produced so prominent and prevalent an evil. It appeared, from what had passed in the House, that there was a feeling that that cause was somehow or other connected with the financial affairs of this country. It was his firm belief that it was so, and it was only the expansion of commerce that could relieve them, by giving employment to a large amount of labourers. It was their bounden duty to see if there be any fetters upon that commerce; and the way, perhaps, to arrive at any just conclusion was to look to the cause of their former prosperity. What was it that had made them the first nation of the earth, and had rendered them so wealthy? What was it that had given to the land a higher value than in other parts of the world? Why, it was the commerce of the country and the ingenuity of their manufacturers. It was by that means they gave millions of their population the means of being consumers, and that was the reason why they had been able from time to time, and from year to year, for the last seventy years, to go on enhancing their rents, until they had increased them in some places 10,000*l.* per cent. Landed property in Lancashire was valued, in 1792, at 97,242*l.* per annum; in 1815 the valuationwas 3,100,000*l.*; in 1829, 4,214,000*l.*; in 1841, 6,192,000*l.* per annum. But during recent years pauperism had increased, and it was full time that the progress of the evils from which the country suffered should be resisted. Let them do that by the extension of commerce. There were no other means, except by remitting indirect taxation. He did not think direct taxation would be so disadvantageous; and for his part he was ready to take his share of it.

Mr. HENLEY did not hear the speech of the hon. Member for West Surrey; but the House would vote rather upon the resolution proposed than the speech of the proposer; and he saw nothing objectionable in the resolution. The speeches of hon. Members had all differed in their exposition of the views they had taken of the subject; but they had all agreed in the lamentable fact that the country was in a state of great distress. No one denied that fact, although they might differ in their views as to the reasons for that distress, and the remedy. But that difference of opinion was no justifiable reason why the House should refuse to inquire into a distress so universally acknowledged, and the best means of remedying it. The reasons given by hon. Members for opposing this Motion were very unreasonable; but when the hon. Member for East Kent stated that the workhouses were overflowing, the colonies ruined, and the country in distress, and yet refused to vote for a Committee of Inquiry, he must confess he was greatly astonished. Neither could he agree with the hon. Baronet the Member for North Essex, who would not vote for a Committee because the hon. Member for West Surrey would not support the repeal of all our recent commercial legislation; on the contrary, he (Mr. Henley) would vote for every Motion of a practical nature of this kind, because, while it did not pledge the House to any course, it proposed to inquire, and to remedy that distress, which was unfortunately too general and too overwhelming. Something had been said of the largeness of salaries; and it was, he believed, the universal opinion that the rates of salary were fixed in times very different to the present. He did not go back to the last century; but he was aware that at the time fees were abolished, and fixed salaries given in their place, the cost of all the necessaries of life was very different to what it was now, and that of itself constituted a good reason for inquiry. A great portion of the direct expenditure, as well as that which was deducted from the revenue before it reached the exchequer, consisted of salaries; and a considerable reduction in the expenditure might be effected by their revision. The necessary result of modern legislation was the prin-

ciple of getting more work for less money; and whether that principle was right or wrong, it must be applied to the vast army of persons who received pay from the country, from the highest to the lowest. That principle was carried out in every trade and in every pursuit, and by applying it to the Government officers, a reduction of expenditure might be effected. For these reasons, he should vote for the Motion of the hon. Member for West Surrey.

MR. J. O'CONNELL observed, that the hon. Gentleman the Member for West Surrey had expressed himself reluctant to enter into the question of Ireland; but when he left out Ireland, he left out the part of *Hamlet*. The hon. Gentleman recommended that the districts in Ireland where murders took place should be fined; but if the hon. Gentleman applied the rule to his own country, he would find many localities in which it would be applicable. The hon. Gentleman also said that a fine should be inflicted on those districts in Ireland where persons had died from famine; but that famine was caused, not by the inhabitants, but by the mislegislation of that House, and by the mismanagement of Ireland since she ceased to have the management of her own affairs. He would now say to the hon. Member that there was one means by which a considerable saving of expenditure might be effected. If the wants and wishes and demands of the people of Ireland were attended to, the great military expenditure now necessary for the oppression of Ireland might be done away with. And by treating the people fairly, their situation would be so improved that their contributions to the exchequer would be infinitely greater than they were at present.

MR. DISRAELI said, the Motion of his hon. Friend the Member for West Surrey was one, no doubt, not only of general but of universal interest. It was a Motion "That we resolve ourselves into Committee to consider the public expenditure, and the existing system of taxation, and how far both may be revised, with a view to relieve the pressure upon the industry of the country." He had not the gratification of hearing entirely the speech of his hon. Friend, though he had the pleasure of listening to a considerable portion of it. He entirely acquitted his hon. Friend of treating this grave subject in a tone of levity. A spirit of philosophic sarcasm did not necessarily involve a tone of levity; and he knew well, not only from his knowledge of his hon. Friend in that House, but outside its walls, that he had given to this subject the most earnest and unremitting attention. He was not, on the present occasion, anxious at all to press upon the House that it was impossible to support the resolution which had been proposed to them, because of the speech in which it was introduced. Upon that topic he would not dwell; but he would remind his hon. Friend that in calling their attention to a subject of such vast interest, it had been always the custom—he believed he might say the invariable one—to lay on the table of the House, preliminary to calling for a vote, the resolutions which he intended to propose in Committee, in order that the House should be able, when called upon to give a vote on so serious an occasion, generally to comprehend the scheme about to be proposed. He wished to impress upon his hon. Friend that he could not be doing justice to his own position and ingenuity, or to the grave subject before them, if he called upon them to vote on the present occasion without following the usual precedents of the House. If the hon. Gentleman had placed his resolutions on the table, observations such as had been made could not have been pertinent. One hon. Gentleman would not have got up and said, "Why is Ireland not referred to?" Another hon. Gentleman could not have got up and said, "The hon. Gentleman has sneered at protection, and for that reason I cannot agree to an inquiry into the state of the nation." If the hon. Gentleman had indulged in fifty sneers against protection, but had not embodied those sneers in a formal resolution of the House, any rhetorical observation of the hon. Gentleman in an expository speech would not be a fair ground for refusing to support an inquiry on the present occasion. Besides, the hon. Gentleman must feel that this inconvenience had occurred from the course he had adopted. Here was this important resolution submitted for their consideration, and it was by accident only that they had not divided upon it after the speech of the hon. Gentleman; but if he had followed the usual course, and informed the House that he was going to ask its opinion on all those great topics—the principles which ought to regulate our commercial system, and the principles which they ought to adopt for the regulation of their fiscal system—if he had given due notice that he was going to call upon them for their mature and formal opinion on the

subject himself, at the same time frankly exhibiting to them the conclusions at which he had arrived, and which he was ready to submit for their adoption, the House would have a lengthened opportunity to make up their minds on this occasion, and would not be called upon, after a hurried discussion of an hour or two, to give a vote on such an important subject, or until after a debate that was worthy of the occasion, no doubt sustained with great ability and for a considerable time, and they might have arrived at a result on this important subject satisfactory to their constituents, and in some degree acting as a guide to the opinions of the country. He asked his hon. Friend, could that be the consequence of the discussion that night? Could his hon. Friend—not having followed the general and salutary rule of the House—say that he had secured a discussion worthy of himself and of the subject? He freely admitted that this Motion was one worthy of all respect. He freely admitted that, from his own observation of public affairs, he did not think that any very long time could elapse without the House of Commons being called upon to resolve itself into a Committee on taxation. He asked his hon. Friend if he called upon them for a decision in this precipitate and sudden manner, in a House certainly not so full as such a division and such a subject should summon, did he think he was advancing the views he wished to advocate, or whether he was accomplishing the result which he (Mr. Disraeli) knew, from his own experience, he sincerely and earnestly desired? One Gentleman after another had risen, and complained that topics of the utmost importance, parts of the subject, had not been noticed, or were not satisfactorily alluded to by his hon. Friend. It was quite clear that if they entered into the subject, there was no branch of it, and it was a complicated subject, that must not be treated of; but the hon. Gentleman had an opportunity of making a suggestive speech to the House, and he made every Gentleman aware, if they were not aware before—if they were, he made them doubly conscious—that the duty will devolve on them sooner or later, as Members of the House, either by speech or vote, to express a definite opinion on this important subject, namely, the system of taxation in the country. This grave question, in a rough and hurried manner, must not be precipitately disposed of; and he hoped his hon. Friend, with a due regard to the importance of the subject, and the circumstances under which it was introduced, and the very great inexpediency, before their constituents and the country, of deciding upon a subject of this vast importance without fair and ample discussion, would not, under the circumstances of the case, put them in the painful position of dividing on this occasion, causing many Gentlemen to divide against a Motion of which they approved, though they might not approve of the tone in which it was introduced, or the circumstances under which the division took place. He would be glad that his hon. Friend withdrew his Motion, for by voting for "the previous question" they would seem to vote against a Motion deserving of respect, and a slur would be cast on his hon. Friend. "The previous question" was a weapon that should not be lightly used; it was a safeguard, no doubt, under certain circumstances; but he thought the course that in the present instance would be most agreeable to the House, and most courteous on the part of his hon. Friend, was, that he should tell them, that having placed his views before the House, and having received from the House, as he generally did, great sympathy on the subject with which he connected himself, he would not on this occasion call for a division.

Mr. LABOUCHERE rose to correct a misapprehension that seemed to exist with respect to the speech of his right hon. Friend the Chancellor of the Exchequer, and into which hon. Members who were not present when he addressed the House might be induced to fall. It would be strange if his right hon. Friend should treat with levity the subject of economy or remission of taxation; for his right hon. Friend must feel more sensitive on the point than any other person. It was true that he might have indulged in remarks savouring of levity while referring to some of the topics that had been introduced; but that did not imply that with regard to the subject itself his right hon. Friend took any such view of it. He (Mr. Labouchere) had only to say, with regard to the Motion before the House, that he thought the hon. Gentleman should follow the advice of the hon. Gentleman the Member for Buckinghamshire. Let him put his suggestions in the form of resolutions, and place them on the table of the House, and he could not but say that he might be more successful in obtaining the concurrence of the House for a Committee, than on the present occasion. On the contrary,

when he considered how extraordinary were those suggestions, framed, not as they usually were, but framed, one almost would suppose purposely, so that no two Gentlemen would be able to unite with him in supporting this resolution, some suggestions being agreeable to Gentlemen in one quarter of the House, others being agreeable to Gentlemen in other quarters; it appeared to be a resolution, as a whole, that could meet with the concurrence of no hon. Member in the House. If the hon. Gentleman took the course of placing his opinions in the form of a resolution on the table, he believed there would be a more unanimous disposition than existed to follow him. He felt the question was one of the greatest importance. He felt that the House should not embark in an inquiry, or go into Committee on such a subject, without seeing how they could profitably employ themselves, and get out of it with some practical results; and he would altogether protest against going into an inquiry on the present Motion. The right hon. Gentleman the Chancellor of the Exchequer had given practical proofs of his desire to effect economy. [Colonel Sibthorp: Hear, hear!] Gentlemen might be of opinion that reductions were not carried far enough; but let any Gentleman point out any practical reductions that could be made in the establishments of the country, and Her Majesty's Government would consider their suggestions. If they went into Committee, they would produce no practical results, and consume valuable time; and for those reasons, if the hon. Gentleman persisted in his Motion, he (Mr. Labouchere) would vote for the Amendment of his right hon. Friend the Member for Manchester.

Mr. ROBINSON acquitted the hon. Mover of treating the subject with unbecoming levity, but doubted whether, considering the gravity and importance of the subject, he had adopted the best means of effecting the object. As long ago as 1830, Mr. Huskisson stated his conviction that the time had then arrived when it would be absolutely necessary to consider the question of taxation. He differed with the hon. Member for Buckinghamshire as to the invariable practice of the House having been to preface a Motion of this kind by a statement of the resolutions which the hon. Mover intended to propose; but he agreed with the right hon. President of the Board of Trade in thinking that such a course would have been far more likely to serve his object. He had always been convinced that the only mode of obtaining relief for the people was through remission of taxation. If they were unable to increase the means of employing the people, or reducing their burdens, the only remedy left was equalisation of taxation. When the question was mooted last year, something like a pledge was given that the Government would consider it during the recess. He wished to hear whether they had done so, and whether they had arrived at some decision one way or the other. The only objection which he had to the proposition before the House was, that it mixed up the two questions of reduction of the Government expenditure, and remission of taxes, and referred both to the same Committee. They might go on shrinking from the consideration of this great question; but if he was not mistaken, public opinion would force it on them. In the early part of his Parliamentary career, so strongly impressed was he with the necessity of taking some measure which would have the effect of giving relief to the people with respect to this great question, that he moved for the appointment of a Select Committee to consider the question; and in a House of 376 Members, the Motion was lost only by a majority of 66. He approved of the object which the present Motion contemplated; but, regard being had to the peculiar circumstances under which it had been introduced, he thought the better course by far for the hon. Member for West Surrey to pursue would be, to withdraw it, as by not doing so he might place hon. Members in a false position.

Mr. COBDEN rose and said that he was not one disposed to doubt the sincerity of the hon. Gentleman who had proposed this resolution, or to charge him with undue levity. On the contrary, in a great deal of what the hon. Gentleman had said he concurred. He agreed with him that the tendency of excessive taxation had been to produce revolutions; that it was the tendency of bodies of rich men to lay undue taxation on the poor; that the colonial system required remodelling; that the waste of expenditure in the dockyards and other establishments was excessive; and that the public debt ought to be grappled with. In these views he agreed with the hon. Gentleman, and he did not much differ from him as to the means of accomplishing what he proposed. The hon. Gentleman said, "Put on a property tax, equalise the land tax, and with the produce even-

tually reduce the national debt." He agreed in all that, and he also agreed with the hon. Gentleman in his concluding remark that it was impossible to return to the bread tax. Without wishing to offend the hon. Baronet the Member for North Essex, who had spoken of persons going about the country to deceive the people, he must say that the worst occupation any person could at present pursue was to attempt to lead the farmers to suppose that they could ever regain protection, and thus divert their attention from that which was attainable. He did not comprehend the hon. Gentleman's views of progressive taxation; and he did not agree with him in the slight he cast upon one of the most beautiful of modern reforms—the penny postage—or in the slur he cast upon prison discipline. Indeed, as far as he understood the proposals of the hon. Gentleman, he did not think that he could go into Committee with him with any hope of agreeing in his views. The hon. Gentleman the Member for Buckinghamshire has said that we should have been better prepared to discuss this question if the intention of the hon. Gentleman had been placed on the table of the House. The hon. Gentleman the Member for Buckinghamshire, I think, left the matter in considerable mystery and doubt when he brought forward his Motion. [Mr. DISRAELI: I beg your pardon; I placed the resolution on the table.] A great part of the evening was spent in discussing what the hon. Gentleman meant; there were a great many interpretations of his meaning; he himself had told us that he had left out the case of Ireland, because he intended to reveal the mystery in Committee. He (Mr. Cobden) was not much in love with Motions to go into a Committee of the whole House; there was not much meant by them; in the first place they did not get into Committee, and, if they did, he hardly thought it practicable to discuss all these questions. He would rather have one distinct proposition, and he found fault with the hon. Gentleman that he had left out of his Motion that which he (Mr. Cobden) considered the most important of all propositions, namely, a reduction of the expenditure of the country. There was no distinct proposal to reduce expenditure; there was revision of expenditure, but he made a great distinction between revision and reduction. Revision of taxation did not imply necessarily a reduction of expenditure; what he thought the country required was reduction of expenditure. Revision of taxation was a shuffling of the cards. He wanted to see the whole country relieved by a reduction of the expenditure of the Government, and he quite agreed that excessive taxation led to distress and want. He had already pointed out what he thought were some of the great items of expenditure; he was willing to join in a vote for the reduction of salaries; he was not for underpaying any one; he was for having as few persons as possible, for making them work well and paying them well; and you could not command talent in any other way. If you were to have a revision of taxation, it would be difficult to find out how to shift the burden from one shoulder to another. He could understand the proposal of his hon. Friend the Member for Derby. He had made to-night a very distinct and important proposition; it was that they should revert to direct taxation. He was perfectly convinced that the only way in which you could revise taxation was to relieve the great body of the working people by removing indirect taxes which pressed invariably on the multitude in a twofold way: first, by increasing the price of articles of necessity, and next, by impeding the capitalist in the means of employment. If you meant revision of taxation which was to relieve the labouring classes, then he was convinced that you had no other course but walking in the footsteps of the hon. Member for Derby. He did not mean to say that you were going at once to sweep away custom-houses and excisemen, and raise the whole of taxation by a direct process; but you could not relieve the masses of the people but by taking off taxes on consumable commodities, and putting them on property, and he was anxious to see that done to an extent which was very practicable in the House. One word on a subject which had been mixed up in this debate. The hon. Member for East Kent and the hon. Member for North Essex had told us of the great and growing distress of the country. What did you mean by "the country?" He understood there was special suffering and distress at present in certain south-western counties, arising from very intelligible, obvious causes—a deficient harvest got up in a very damaged state. [Mr. PLUMPTRE dissented.] The hon. Member for East Kent shook his head. He asked any one in this House whether, from the Land's-end to the opposite coast of Kent, there was not a general failure in the harvest from the causes which he had

stated? By a singular accident, unusual and almost unprecedented, this last autumn the south and west were visited with a fortnight's rain at a critical time, when the corn was on the ground. It damaged the corn to an extent which the hon. Member for Somersetshire had well represented. The weather cleared up, and in the north midland counties and higher districts, the harvest coming later, when the weather had cleared up the corn was got in, in average condition. This had been an exceptional state of things. On all former occasions when we suffered from a bad harvest, the south and west had got in their corn tolerably well, and the disaster had almost always fallen on the north. Their being in distress in the south and west of England was easily accounted for; but don't let them mistake the thing in this House; the effect of their being in distress in these counties did not necessarily imply that the whole kingdom was suffering from distress. He admitted that the home trade would sympathise with the state of agriculture all over the kingdom. ["Hear, hear!" *from the Protectionists.*] Surely that was no discovery for hon. Gentlemen. If you had a defective harvest in any season, it was not foreign importations that would prevent suffering on that account for the season; and so far as you had suffered in the south and west, the home trade had suffered also. [Sir J. Tyrell: Cattle.] If the hon. Member for North Essex would listen to him, he might be able to repeat his lesson in Essex. The hon. Gentleman was always thinking of his long and short horns. Recollect, however, that we had meat at an extravagant price for the last two years. Whatever they might think in Essex, the people of London who consumed meat, were glad it could be had for 7*d.* instead of 10*d.* per pound. You had, besides this defective harvest in the south and west, giving rise to bad trade in London, and affecting the manufacturing districts, many disturbing causes in the foreign trade. You had had rebellions on the Continent; you had had railway speculation, which was far deeper seated than you thought: it had impoverished the middle classes; it had dried up their resources, and deprived them of the means of expenditure, and we must naturally expect that, in the north of England generally, you would have a considerable state of distress at this particular moment. He represented a district embracing a population of nearly one million and a half, of a variety of occupations. He should be telling an untruth if he were to come here, and, in the language of the hon. Members for Kent or Essex, were to say—"I want a reduction of taxation, because the West Riding of Yorkshire is at this moment suffering from a peculiar state of distress." There might be distress in the West Riding; Bradford might be more prosperous than Sheffield, and Sheffield than another place; but, taking the whole of Yorkshire, and comparing it with former times, it was in a state of comparative comfort and prosperity. What did they mean on the other side when they talked to the House of remedying the distress? The House must never forget, and the country must never lose sight of this, that their remedy was a protective duty on corn to raise the price of corn. Would not that be attended with evil consequences in the north of England and the metropolis? They wanted a restoration of prosperity at the expense of the rest of the community. They wanted that to be the normal state of this country—high prices and excessive distress. They had never been contented except when they had distress in the manufacturing districts. ["No, no!"] He said, yes, yes. He would tell them when they were quiet, and when they were discontented. They were quiet in 1839, 1840, 1841, and 1842, when the north of England was in constant distress and occasional insurrection. They were content in 1847 and 1848. They were not content in 1835, and they sometimes told us that they only complained now because they had low prices and a deficient harvest. They were not content in 1835, when prices were 40*s.* a quarter for wheat, and when we had a plentiful harvest at home. They came with the same stories of distress, and were as much discontented as they were now that the manufacturing districts were prosperous. It was impossible that they could return to a state of things which they called prosperity, because that meant direful adversity to the rest of the community. He should apologise for intruding this topic at all; but he did not believe it due to the House or the country to be too silent on the subject. By allowing Members constantly to reiterate the old worn-out arguments on the subject of protection, they had brought themselves to believe in them. The country understood the subject; the remedy for distress in the agricultural districts must be by other means than a return to the old law. If they wanted retrenchment, he would help them;

he never found a country Member vote for the reduction of taxation. We could not get a reduction of expenditure, because of the county Members; and he would tell the county constituency, that if they would keep the country Members away from the House (he did not ask them to support economy), the free-traders would reduce the expenditure without them, and it would never be reduced whilst they were here. His right hon. Friend the Member for Manchester had put his Amendment in the most courteous form towards the hon. Member for Surrey. He thought that if the hon. Member followed the advice of the hon. Member for Buckinghamshire, and withdrew his Motion, it would be the most proper method of disposing of it. On the Motion being put distinctly he should vote for the previous question, thinking that the hon. Member for Surrey had done some service by introducing the question.

Mr. DRUMMOND rose to reply. He said, he was perfectly surprised at the language of some hon. Members, and the advice of others. But in not laying his Resolution upon the table of the House, he believed he was in conformity with the practice of the House; he remembered one case in point; he recollected that when the right hon. Gentleman the President of the Board of Trade was asked, in bringing the navigation laws before the House last year, to lay his Resolution on the table, he distinctly refused. He observed, that it had been the invariable custom never to lay the resolution before the House till they were about to go into Committee. He did not put in any resolution respecting direct taxation, because he differed widely from hon. Gentlemen on the subject. The first observation that he had made to the House, was to warn the House against any one measure being sufficient to bring about the reduction which he said was necessary to the exigencies of the case, and he said we must go over the whole of our taxable system. The right hon. Gentleman the Chancellor of the Exchequer began, first of all, with giving him a lecture for having lectured the House a great deal too seriously, and having talked to them about their selfishness, and about the way in which the rich always oppressed the poor. He suspected that the knowledge of the right hon. Gentleman, politically, was on a par with his knowledge of law, for he seemed never to have heard of the Saxon law by which every hundred in the kingdom was punished for every case of violence; and this was the simple law which he advised to be restored to Ireland. As to the Post Office, he never brought it forward at all; he simply said, that the people were very willing to accuse their rulers of extravagance, but they had offences of their own which cost the public a great deal, and he instanced the Post Office as one, and the gaols and prison discipline as another. He had been a magistrate for forty years, and he never saw the advantage of this prison discipline. He begged to remain of the same opinion. He did not bring forward this question in order to give a triumph to any faction whatever; and part of the attack of the hon. Gentlemen opposite was, that he had put together things so as to gain some with one proposition and some with another. He had not; he had only brought forward such things, of the truth of which he was himself convinced; and whether he had 100 or 200 Members with him this night, he was certain the country would speak the same language. They had taught the country that it was only by agitation, to the very verge of rebellion, that they could hope for relief; and the public would teach the Government the same lesson which they had taught the public. As to this Motion, he cared very little which way it went; but he must say, that as the country had come to a state of considerable discontent through the pilot now at the helm of affairs, he would advise Gentlemen, whether they looked to his pilotage or not, to look to some other than that on the opposite side of the House if they ever expected to be relieved from their burdens.

Whereupon previous Question put, "That that Question be now put."

The House divided:—Ayes 100; Noes 151: Majority 51.

List of the Ayes.

Adderley, C. B.	Cayley, E. S.
Arkwright, G.	Chaplin, W. J.
Baillie, H. J.	Christy, S.
Baring, T.	Clifford, H. M.
Bass, M. T.	Clive, H. B.
Bennet, P.	Cochrane, A. D. R. W. B.
Bentinck, Lord H.	Codrington, Sir W.
Blackstone, W. S.	Cole, hon. H. A.
Blair, S.	Compton, H. C.
Blake, M. J.	Crawford, W. S.
Blewitt, R. J.	Dick, Q.
Boldero, H. G.	Dodd, G.
Broadley, H.	Duff, J.
Brown, H.	Duncuft, J.
Bruce, C. L.	Ellice, E.
Buller, Sir J. Y.	Ellis, J.
Burrell, Sir C. M.	Evans, J.
Burroughes, H. N.	Farnham, E. E.

Farrer, J.
Filmer, Sir E.
Frewen, C. H.
Galway, Visct.
Gooch, E. S.
Goring, C.
Greene, J.
Grenfell, C. P.
Hale, R. B.
Halford, Sir H.
Harris, R.
Henley, J. W.
Hildyard, R. C.
Hodgson, W. N.
Hood, Sir A.
Hotham, Lord
Jones, Capt.
Keogh, W.
Kershaw, J.
Lewisham, Visct.
Lockhart, A. E.
Long, W.
Mackenzie, W. F.
Martin, J.
Masterman, J.
Moore, G. H.
Morris, D.
Mowatt, F.
Mullings, J. R.
Muntz, G. F.
Neeld, J.
O'Connor, F.
O'Flaherty, A.
Osborne, R.
Packe, C. W.
Palmer, R.
Pechell, Capt.
Perfect, R.
Pigot, Sir R.
Pigott, F.
Pilkington, J.
Plowden, W. H. C.
Portal, M.
Renton, J. C.
Robartes, T. J. A.
Robinson, G. R.
Rushout, Capt.
Sadleir, J.
Scholefield, W.
Sheridan, R. B.
Shirley, E. J.
Sibthorp, Col.
Simeon, J.
Somerset, Capt.
Sotheron, T. H. S.
Spooner, R.
Stafford, A.
Sullivan, M.
Thompson, Col.
Thornhill, G.
Tollemache, J.
Waddington, H. S.
Willoughby, Sir H.
Wodehouse, E.

TELLERS.
Drummond, H.
Urquhart, D.

List of the NOES.

Abdy, T. N.
Acland, Sir T. D.
Adare, Visct.
Aglionby, H. A.
Anson, hon. Col.
Arundel and Surrey, Earl of
Bagshaw, J.
Baines, M. T.
Baring, rt. hn. Sir F. T.
Barnard, E. G.
Beckett, W.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, C. L. G.
Blackall, S. W.
Boyle, hon. Col.
Brand, T.
Bright, J.
Brockman, E. D.
Brotherton, J.
Bruce, Lord E.
Bulkeley, Sir R. B. W.
Cardwell, E.
Caulfeild, J. M.
Cavendish, hon. C. C.
Cavendish, W. G.
Charteris, hon. F.
Christopher, R. A.
Clay, J.
Cockburn, A. J. E.
Cocks, T. S.
Colebrooke, Sir T. E.
Cowan, C.
Crowder, R. B.
Dalrymple, Capt.
Denison, E.
Denison, W. J.
Disraeli, B.
Dunne, F. P.
Ebrington, Visct.
Elliot, hon. J. E.
Euston, Earl of
Evans, W.
Fagan, W.
Fergus, J.
Ferguson, Sir R. A.
Fitzroy, hon. H.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fox, W. J.
Gaskell, J. M.
Gladstone, rt. hn. W. E.
Glyn, G. C.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, T.
Grey, rt. hon. Sir G.
Hallyburton, Ld. J. F. G.
Harcourt, G. G.
Harris, hon. Capt.
Hastie, A.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heald, J.
Heathcoat, J.
Henry, A.
Herbert, rt. hon. S.
Heywood, J.
Heyworth, L.
Hill, Lord M.
Hindley, C.
Hobhouse, T. B.
Hodges, T. L.
Hogg, Sir J. W.
Hope, Sir J.
Hope, A.
Howard, Lord E.
Hutt, W.
Inglis, Sir R. H.
Jackson, W.
King, hon. P. J. L.
Labouchere, rt. hn. H.
Langston, J. H.
Lascelles, hon. E.
Lewis, G. C.
Lushington, C.
Macnaghten, Sir E.
Maitland, T.
Martin, S.
Matheson, Col.
Milner, W. M. E.
Monsell, W.
Mostyn, hon. E. M. L.
Napier, J.
O'Connell, J.
Ogle, S. C. H.
Oswald, A.
Palmer, R.
Palmerston, Visct.
Parker, J.
Peel, rt. hon. Sir R.
Peel, F.
Pennant, hon. Col.
Power, N.
Pryse, P.
Pugh, D.
Raphael, A.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Roebuck, J. A.
Rumbold, C. E.
Russell, F. C. H.
Rutherfurd, A.
Shafto, R. D.
Sheil, rt. hon. R. L.
Slaney, R. A.
Smith, J. B.
Somerville, rt. hn. Sir W.
Stanton, W. H.
Strickland, Sir G.
Stuart, Lord J.
Talbot, C. R. M.
Thesiger, Sir F.
Thicknesse, R. A.
Thornely, T.
Towneley, J.
Tufnell, H.
Turner, G. J.
Tyrell, Sir J. T.
Vane, Lord H.
Verney, Sir H.
Villiers, hon. C.
Wall, C. B.
Walmsley, Sir J.
Walter, J.
Wellesley, Lord C.
West, F. R.
Willcox, B. M.
Williamson, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, W. P.
Wortley, rt. hon. J. S.
Wrightson, W. B.
Wyld, J.
Wyvill, M.
Young, Sir J.

TELLERS.
Cobden, R.
Gibson, M.

EASTERN COUNTIES RAILWAY.

MR. CHARTERIS said, the House would remember that when he called its attention the other day to certain rumours in regard to an expenditure of sums of money unaccounted for under the head of "Parliamentary Expenses" in a report recently published by a Committee appointed to inquire into the management of the affairs of the Eastern Counties Railway, he then gave notice, in accordance with what appeared to be the general feeling of the House, that he should move for a Committee to inquire into the whole matter. He should think that every Member would be anxious and eager to investigate this subject, and clear away those rumours which so prejudicially affected the honour of the House and the character of its Members. He could not anticipate any opposition to his Motion, and would, therefore, not weary the House by making any further remarks, but would at once move—

"That a Select Committee be appointed to in-

quire and report upon the expenditure of certain sums which appear as unaccounted for, under the head of Parliamentary Expenses, in the Report which was recently published by a Committee appointed to inquire into the management of the affairs of the Eastern Counties Railway Company."

COLONEL SIBTHORP seconded the Motion, and cordially thanked the hon. Member for having brought the subject forward. He only regretted that the hon. Member had not proposed a general inquiry into the whole of these railway companies. [An. Hon. MEMBER: One at a time.] Let them have an inquiry into the whole system. It was most desirable, in order to convince the country that these newfangled schemes were not deserving of their confidence. He alluded to no particular individual, nor to any particular company. Among a multitude there were good and bad. What he desired was, that the people should be able to discriminate between the good and the bad, and therefore he advocated a searching inquiry. They who feared inquiry tacitly admitted that they were not in the position in which they ought to be. He questioned all these new schemes. He was not old enough to recollect the South Sea bubble, but he had seen enough in his day on the part of men, as well on the Treasury benches as on those of the Opposition, to tell him that men who possessed power were capable of abusing it. These schemes had ruined the private interests of thousands; and, in his opinion, the whole railway system was a public fraud, and a private robbery. He would have the whole thing sifted to the bottom, that they might find out who was right and who was wrong; and if they even hanged the wrong he would subscribe to it, for it was high time that these new customs, systems, and doctrines were annihilated altogether.

MR. ROEBUCK: I am anxious that the House should not be led away by any misunderstanding of the nature of the Motion of the hon. Member for Haddingtonshire. It is a very grave subject, and should be dealt with gravely. The House should not be misled by any idle notions or peculiar whims of any hon. Member. Buffoonery is not the matter in hand; the matter in hand is that a serious and grave inquiry is suggested by the hon. Member opposite into what I understand him to have understood—namely, that certain insinuations have been made respecting this House—that insinuations and charges, which ought to be met and ought to be investigated, affecting the honour of this House, through its Members, have been made; and the hon. Gentleman proposes that an inquiry should now be instituted by this House. [Colonel SIBTHORP: Hear, hear!] I beg the hon. and gallant Member will not at all take any thing to himself, even though I did use the word buffoonery. Well, Sir, I understand that the hon. Gentleman opposite having understood that certain charges were made, wishes to have an investigation made into those charges gravely and solemnly by this House. It does not affect any peculiar system of travelling in this country. It does not touch the question of railroads or of property therein vested; but it affects the character of this House, in legislating upon those companies, and not the peculiar character of the companies themselves, or of the mode of investment of property in them. And, Sir, we ought most carefully to consider that there is a large mass of property, belonging to all classes of men, invested in this species of enterprise. I speak without any particle of bias in favour of railways, not having one single farthing of interest in them; but I know it is the duty of this House not to cast upon any species of property any unfair insinuation or imputation. I am persuaded that such is not the desire of the hon. Gentleman the Member for Haddingtonshire, but that he wishes to probe to the bottom the conduct of Members of this House who, as Members of it, have legislated upon this subject. I have seen, day by day, changes in the public mind, and changes in the manner of men depending upon success in these matters—fawning to-day, cringing and almost lying on their bellies before men—as I have seen done in the face of this House—while those men were in the ascendant, and called kings in their petty dominions; and now, when fortune has turned, they turn basely with the tide, and swell the cry against the fallen king whom they have cheered on in days gone by. I have the same feeling towards the fawning parasite I have seen opposite, and the cheering Committeeman who now dogs on this House to make an inquiry into past conduct. It is only done for the same base purpose: money led them on; money now leads them on.

SIR R. H. INGLIS did not rise to give any opinion upon this subject, but he thought it would have been more satisfactory if the individual to whom partial reference had been made, had been permit-

ted to be in his place before the Motion had been submitted to the House. He could not but wish that his hon. Friend who had brought forward this Motion, had paused until the individual to whom all men's eyes were now directed—though he had not been mentioned by name—and whose character appeared to be so deeply implicated, had an opportunity of attending in his place. He had been told that the hon. Member to whom he referred, had had every opportunity of attending that House; but he (Sir R. Inglis) thought it could not be known to those who entertained such an opinion, that a severe domestic calamity had occurred to that individual within the last few days. He (Sir R. Inglis) had not learned this from any personal intimacy with the hon. Member to whom he alluded, nor from any one directly connected with that hon. Member; but he had to-day received a letter from Yorkshire, expressing an earnest hope that no measures might be taken by the House until the individual in question was enabled to attend in his place. He (Sir R. Inglis) would give no opinion upon the merits of the Motion; but, as to the time and circumstances under which it was brought forward, he could have wished that a longer interval had been allowed to elapse before such a measure had been taken.

MR. H. BROWN said, that he had been present at a meeting of the Eastern Counties Railway that day, at which very full explanations had been given, and though he had looked very narrowly and closely into the accounts, he had not found any item affecting any Member of that House. Unless the Motion would compass the whole affairs of the Eastern Counties Railway, he did not think any practical good would result from it. Perhaps the House would excuse him if he mentioned the items which had been investigated that day. The items composing the amount respecting which a full explanation had been given were these:—Advertisements, 1,537*l.*; solicitors, 1,619*l.*; loss on sale of shares, 3,400*l.*; advertisements (Barker & Co.), 342*l.*; printing, 465*l.*; balance, 231*l.*—being a total of 7,594*l.* He did not see what advantage could result from any inquiry by a Committee, as to whom these amounts were paid, because there was no doubt in the minds of the subscribers to the Eastern Counties Railway that not a penny of that money had been expended upon Parliamentary purposes.

COLONEL SIBTHORP: I do not wish to trespass upon the time of the House, but the House has heard the opinions of the hon and learned Member for Sheffield, and there are personal feelings and personal character at stake. The hon. and learned Gentleman has told me that in what fell from him he did not apply the word "buffoonery" to me. I am quite ready to receive that statement; but the hon. and learned Gentleman will pardon me if I ask him to give me that distinct answer which I am sure he would upon all occasions be ready to afford.

MR. ROEBUCK: Yes, if I understand the hon. and gallant Member's question. If he will be good enough to put it, I will answer it as plainly as I can.

COLONEL SIBTHORP: That you meant nothing of the kind?

MR. ROEBUCK: I ask the hon. and gallant Member to put the question. I do not know what it is; but whatever it is I will answer him.

COLONEL SIBTHORP: Whether the expression that fell from the hon. and learned Member opposite—the word "buffoonery" was applied to me?

MR. ROEBUCK: I will repeat the words I used, and I am sure, Sir—addressing the Speaker—that you must have them in your mind. I said to the hon. Gentleman that I begged he would take nothing to himself, even though I used the word buffoonery. If that is out of order I will retract it.

COLONEL SIBTHORP again rose, and wished, he said, to make some observations on a matter in which his personal character was involved. His character and his honour were the greatest treasures which he possessed. He hoped he had never sullied his character, and he hoped he never should. He defied the world to call his honour in question; but some individual in that House—

MR. SPEAKER: The words which fell from the hon. and learned Member for Sheffield in no way applied to the hon. and gallant Officer.

COLONEL SIBTHORP: Then I am satisfied.

Subject dropped.

Motion agreed to.

SUNDAY TRADING (METROPOLIS) BILL.

MR. HINDLEY moved for leave to bring in a Bill to prevent unnecessary Sunday trading in the metropolis.

MR. BARING WALL considered that this Bill was founded upon no principle

at all. He did not wish to enter into any discussion upon it in the present stage; but he objected to it because it involved the principle of cumulative penalties—because it would give greatly increased powers to the police—because it would lead to constant feuds and discords—and because it was contrary to the whole spirit of the British constitution and the legislation which had taken place on this subject since the days of Charles II. It was for the House now to say whether they had such confidence in the hon. Member for Ashton-under-Lyne, that they would consent to the introduction of a Bill which he had proved himself totally incompetent to carry through the House last Session. He (Mr. Wall) begged to move the previous question.

Mr. HINDLEY said, that when he had formerly introduced this Bill, it had been supported on every division by large majorities; and it was only at the request of the Home Secretary, and on account of the late period of the Session, that he had consented to withdraw it. Sunday trading was carried on in that metropolis to an extent of which hon. Gentlemen could scarcely be aware. In Lambeth and other parts of the metropolis — boots, shoes, clothing, paintings, and a thousand other things were as regularly sold on Sunday as on any other day. He understood that about 8,000 tradesmen, with about 15,000 assistants, were employed on Sundays quite unnecessarily, and that many of them were exceedingly anxious that the state of the law should be altered. He trusted, therefore, that the House would not refuse him leave to introduce the Bill.

Sir G. GREY wished to correct a mistake on the part of the hon. Member for Ashton-under-Lyne. The hon. Gentleman had said that the Bill which he brought in last Session was almost successful, and was likely to have met with the sanction of the House, when he (Sir G. Grey) interposed and asked him to withdraw it in consequence of the lateness of the Session. Now, the fact was, that when the Bill got into Committee, the hon. Gentleman found himself involved in such difficulties with respect to its details, that he (Sir G. Grey) believed it was absolutely impossible to prosecute it during that Session. Under these circumstances, he suggested to the hon. Member that his best course would be to withdraw the Bill, and take further time to consider its details with a view to introducing it in the ensuing Session. At the same time, understanding that it was the earnest wish of many tradesmen in the metropolis that the law should be made effective for the suppression of Sunday trading, he told him that he would willingly give him such assistance as he could in considering a Bill for that purpose. He could not conceal from himself, however, the great difficulty of any attempt to legislate on the subject, and he hoped that, if the House did consent to the introduction of the hon. Member's Bill, it would be found in such a form as would render its success more probable than it was last year.

Lord D. STUART said, that this was a Bill in which a large body of the inhabitants of the metropolis took great interest—and he trusted, therefore, that no opposition would be offered to the introduction of the Bill.

Mr. B. WALL withdrew his Amendment.

Bill ordered to be brought in by Mr. Hindley and Mr. Brotherton.

PUBLIC HEALTH (SCOTLAND) BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

Viscount DRUMLANRIG said, it was preposterous to think of proceeding with the discussion of the Bill at that late hour. If it was too late to proceed with an English Bill, it was too late, also, to discuss a Scotch one. He, therefore, begged to move that the House do now adjourn.

Whereupon Motion made, and Question put, "That this House do now adjourn."

The House divided:—Ayes 33; Noes 96: Majority 63.

List of the Ayes.

Anstey, T. C.	Lascelles, hon. W. E.
Arkwright, G.	Lockhart, A. E.
Blackstone, W. S.	Mundy, W.
Boldero, H. G.	Napier, J.
Broadley, H.	Oswald, A.
Brown, H.	Plowden, W. H. C.
Buller, Sir J. Y.	Plumptre, J. P.
Christy, S.	Richards, R.
Clerk, rt. hon. Sir G.	Scholefield, W.
Dodd, G.	Sibthorp, Col.
Dunne, F. P.	Smollett, A.
Gaskell, J. M.	Sotheron, T. H. S.
Henley, J. W.	Spooner, R.
Hodgson, W. N.	Sullivan, M.
Hood, Sir A.	Waddington, H. S.
Hope, Sir J.	TELLERS.
Inglis, Sir R. H.	Mackenzie, W. F.
Keogh, W.	Drumlanrig, Visct.

List of the NOES.

Acland, Sir T. D.
Aglionby, H. A.
Bagshaw, J.
Baring, rt. hn. Sir F. T.
Bellew, R. M.
Berkeley, C. L. G.
Blackall, S. W.
Blake, M. J.
Boyle, hon. Col.
Brackley, Visct.
Brand, T.
Brotherton, J.
Bruce, Lord E.
Bunbury, E. H.
Carter, J. B.
Cavendish, hon. C. C.
Cockburn, A. J. E.
Colebrooke, Sir T. E.
Coles, H. B.
Cowan, C.
Cowper, hon. W. F.
Craig, W. G.
Dalrymple, Capt.
Denison, W. J.
Douglas, Sir C. E.
Duff, J.
Duncuft, J.
Dundas, Sir D.
Ebrington, Visct.
Ellice, E.
Elliot, hon. J. E.
Evans, W.
Ferguson, J.
Ferguson, Sir R. A.
Filmer, Sir E.
Fordyce, A. D.
Fortescue, hon. J. W.
Glyn, G. C.
Grey, rt. hon. Sir G.
Hallyburton, Ld J. F. G.
Hastie, A.
Hastie, A.
Hawes, B.
Hayter, rt. hon. W. G.
Heywood, J.
Heyworth, L.
Hobhouse, T. B.
Hodges, T. L.
Howard, Lord E.
Howard, hon. C. W. G.
Hutt, W.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lewis, G. C.
Maitland, T.
Martin, T.
Masterman, J.
Melgund Visct.
Milner, W. M. E.
Milnes, R. M.
Morris, D.
Mostyn, hon. E. M. L.
Mullings, J. R.
Mure, Col.
Ogle, S. C. H.
Palmerston, Visct.
Parker, J.
Pearson, C.
Pigott, F.
Pilkington, J.
Pryse, P.
Raphael, A.
Ricardo, O.
Rice, E. R.
Russell, F. C. H.
Rutherfurd, A.
Salwey, Col.
Seymour, Lord
Slaney, R. A.
Somerville, rt. hn. Sir W.
Stanton, W. H.
Stuart, Lord D.
Talbot, C. R. M.
Talfourd, Serj.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Tollemache, hon. F. J.
Vane, Lord H.
Wawn, J. T.
Willoughby, Sir H.
Wilson, J.
Wood, W. P.
Wortley, rt. hon. J. S.
Wyld, J.

TELLERS.

Tufnell, H.
Hill, Lord M.

The LORD ADVOCATE then said, that the object of the Bill was to apply to Scotland the provisions of the Bill passed last year with reference to England and Ireland. That measure, he believed, had been productive of very great advantages to the towns in which it had been put into operation. Scotland had been purposely exempted from that measure. He now proposed, however, that Scotland should experience its benefits, and he had, therefore, drawn up the present Bill, which was similar to that which had been passed for England and Ireland. This was not, however, a compulsory Bill, as was the measure which had been adopted for those two countries. He proposed that its provisions should be brought into operation in any district in Scotland in which one-tenth of the inhabitants might pray for the same, the tenth to consist of at least thirty of the said inhabitants. This Bill would be brought into operation under the superintendence of the Board of Health in England (for he did not think it necessary to establish a separate Board of Health in Scotland) and of the sheriffs of the counties. He proposed to appoint under this measure a resident secretary for Scotland, for the purpose of corresponding with the Board of Health in England. He might state that he had been requested to bring in this Bill by many parties in Scotland, and by none more urgently than the populous constituencies of hon. Gentlemen opposite, who appeared so anxious to oppose its progress.

MR. F. MACKENZIE was satisfied that the Lord Advocate would have met less opposition had he made the statement he had now made at an earlier stage. The large powers given to the commissioners of defining districts were objectionable.

VISCOUNT DRUMLANRIG objected to smuggling through important Bills at so late an hour.

MR. F. MAULE said, that if the noble Lord admitted that such a measure as the present was imperatively demanded, it was asking nothing unreasonable to propose that the Bill should be advanced a stage at that hour.

MR. C. BRUCE would have preferred a board in Scotland. He likewise objected to the Bill because it ousted the county magistrates from jurisdiction, and conferred it exclusively upon the sheriff.

MR. OSWALD stated, that great jealousy prevailed in Scotland at the number of new offices created by the Bills which the Lord Advocate had introduced. At the present moment there were four Bills upon the table, each of which created four new offices. Those offices would entail an expense not only upon Scotland, but England, because the salaries would be paid out of the Treasury. If it were necessary to incur expense, in order to promote the health of the people of Scotland, let it be done, but the necessity should be made apparent.

MR. A. HASTIE expressed his full concurrence in the principle of the Bill.

MR. COWAN referred to a report from the Edinburgh commissioners of police, to show the necessity for the Bill before the House. The people of Scotland were

under great obligation to the Lord Advocate for bringing it forward.

Main Question put, and agreed to.

Bill read 2°, and committed for Monday 21st May.

The House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Friday, May 11, 1849.

MINUTES.] PUBLIC BILLS.—1ª Small Debts (Scotland) Act Amendment.

2ª Poor Laws (Ireland) Rate in Aid.

Received the Royal Assent.—Exchequer Bills; Outdoor Paupers; Distraining for Rates; Recovery of Wages (Ireland); Protection of Justices (Ireland); Spirits (Ireland); Petty Sessions; Prisoners' Removal (Ireland).

PETITIONS PRESENTED. By Lord Redesdale, the Earl of Galloway, Marquess of Breadalbane, and Bishops of Oxford and Salisbury, from a great Number of Places, for the Adoption of Measures for the Suppression of Seduction and Prostitution.—By the Earl of Roden, from Places in the North of Ireland, for an Alteration in the Distribution of the Grant in Aid of Public Education.—By the Earl of Lucan, from several Places in Ireland, against the Rate in Aid, and for an Alteration in the Irish Poor Law.—From Dublin, for the Adoption of Measures to remove every Restraint on the free Exercise of Religious Opinion.—By Lord Stanley, from Huddersfield and Cambridgeshire, against the Granting of any New Licenses to Beer Shops; also for the entire Suppression of the Slave Trade.—By Earl Fitzwilliam, from Harwich, and other Places, against the Navigation Bill.—From Cork, to establish a complete System of Railway Communication throughout Ireland.—By Lord Wharncliffe, from Manchester, to postpone the further Progress of the Bankrupt Law Consolidation Bill.—From Lower Heyford, for the Repeal of the Duty on Malt and Hops.—From Orkney, for a thorough Reformation of Parochial Schools in Scotland.

REPORTING IN THE HOUSE.

The EARL of GALLOWAY, after presenting a petition, said, he would take that opportunity, with their Lordships' permission, of complaining of a misrepresentation which he had seen in the *Times* newspaper of that day of what fell from him in the House yesterday. He was in the recollection of their Lordships, but for the information of any noble Lords who were not present on the occasion to which he referred, he begged leave to say that his complaint was, not that he had been reported, because for that he did not care one straw, but that he had been misreported; not that he complained of the things which he said not having been reported, but of things having been put into his mouth which he never said. He was also represented to have "addressed their Lordships with great fury." He did not know whether that was altogether a Parliamentary phrase. Had that appeared as an editorial remark, he should not have complained; but as it appeared in a regular account of what passed in their Lordships' House, he thought he had some claim to throw himself upon their indulgence. He might have spoken with energy, but certainly it was without anger. Under a sense of injustice done, or under the influence of great excitement, a man might speak with warmth, but not with anger. He believed he spoke good humouredly. He intended to do so. If he failed—[*Cheers*]—he thanked their Lordships for that cheer—if he failed to express himself good-humouredly, he must apologise to their Lordships. This was another and a strong example of the misrepresentations which often took place in the reports of the proceedings of the House—misrepresentations tending to lower the character of the House, and the character of the Members of the House.

The EARL of MOUNTCASHEL said, that he was in the same situation with the noble Earl who had just sat down. He did not often intrude himself upon the attention of their Lordships, but he sometimes did so on subjects connected with Ireland. He had frequently had to complain that false impressions had gone abroad of what he had said in that House. On various occasions he had endeavoured to set the public mind right, but had always found that what he had said was either not noticed at all or was misreported. He did not see why one noble Lord should enjoy the favour of the reporters, and another not; why one should be given at great length and with much accuracy, and another should be entirely cast aside and rejected. He was glad that this subject was to be brought under the notice of a Committee; and he hoped that the reporters would be placed under some better control, if they were to be continued as the organs of communicating their debates to the public, and that they would be taught to make their reports fair and full, sufficient and correct.

EARL GREY did not concur in the general charges which had just been made by the two noble Earls; but he found that he stood in the same predicament, for there was a very important mistake in the report of what he said the other evening, which he was most anxious to correct. As far as he had read the report, it appeared to him to be exceedingly correct, but a noble Friend had called his attention to a passage which he thought was of some importance, and which was certainly given in a sense the very opposite to what he did say. The passage in the report was as follows:—

"But he was not prepared to say that that feeling would continue if so gross an act of injustice, as in their opinion it would be, should be committed as that of the rejection of this measure. He believed that if their Lordships should throw out this Bill, they would part with the last security for the attachment of those colonies to the British Crown. It was known to men who had watched well the current of political opinion and events in the world, that the connexion of these provinces with the mother country was drawing rapidly to a close, and that they would become an independent people at a very early day. If therefore this country should lose the present opportunity of doing with a feeling of good grace an act of favour to these colonies, which they could not hope long to preserve, they might eventually put it out of their power even to secure to themselves the benefits that would arise from the maintenance of friendly relations with them as an independent Power."

He should lament most exceedingly if it were to go out to Canada that he could have been thought to have said that he believed the connexion of that great province with this country was likely soon to be determined. The whole drift of his speech was the opposite. What he did say was, he believed the Canadians were at present loyal and attached to this country, and were becoming daily more so. He certainly added, that he did not know how far those feelings would be proof against the sense of injustice which would be created by the rejection of the Bill then under discussion. But the misconception was with reference to the future. What he really did state was, that whatever the decision of the House then might be, he was persuaded that the navigation laws, as they now existed, could not long continue—that they must inevitably be soon repealed; but that was an opportunity of repealing them with a good grace, and as an act of justice; and if they did so hereafter, it might be done with very different impressions and feelings. He was sure that those of their Lordships who were present on that occasion must be aware that that was the substance of his remarks; and that nothing fell from him implying any doubt as to the permanence of the connexion between this country and Canada, if Canada were treated with that justice which it had a right to demand.

LIGHTNING CONDUCTORS.

The EARL of WILTON had moved for a return last Session of the number of ships struck by lightning, and the amount of damage which they had sustained, as also the ships fitted with the apparatus of Sir W. Snow Harris, and the other apparatus which had been invented for the same object. He wished to know if there was any objection to grant such returns?

The EARL of MINTO said, there never had been or could be the slightest doubt of the value of the invention of Sir W. Snow Harris. It was desirable to obtain the relative merits of the two inventions.

The EARL of ST. GERMANS had moved for a Committee in the House of Commons, but on the suggestion of Sir R. Peel he had consented to a commission instead of a Committee. Since the report of that commission of scientific men, he believed no ships had been fitted with the other apparatus—the chain apparatus.

POOR LAWS (IRELAND)—RATE IN AID BILL.

Order of the Day for the Second Reading, read.

The EARL of CARLISLE rose to move the Second Reading of this Bill, and said that if, when he had the honour of addressing their Lordships on a previous occasion, he expressed a degree of apprehension, because he was under the necessity of opposing the feelings and opinions which many of their Lordships entertained, he ought to be impressed by a still greater feeling of discouragement in addressing them now, because the Bill which he had now to urge on their Lordships' acceptance had been prejudged and precondemned by the resolution of a Committee of their Lordships' House. He had, however, to state that Her Majesty's Ministers were not more insensible than the Members of either House of Parliament, or the witnesses which had appeared before their respective Committees, to the objections—many of them really valid, and all, perhaps, plausible—which could be urged against the principle of a rate in aid—objections which, if urged against the permanent application of such a measure, or the establishment of a general law of such a character, would probably be found insuperable. The responsibility which Her Majesty's Government had taken on themselves by introducing this Bill, to which, in spite of all the objections which had been urged, and all the opposition which had been excited, they still adhered, rested on the means which, in their judgment, were still open to them to meet an emergency of the most serious nature, but which they still hoped, partly from the experience of the past, but chiefly from their trust in the superintendence of Omnipotent mercy, was capable of being converted into per-

manent good. He would now state shortly the circumstances under which the present proposal was urged for their Lordships' acceptance. He need not trouble their Lordships with any formal history of what was already sufficiently well known. For the last three years the failure in Ireland of the usual crops had produced famine and misery in every quarter. This was attempted to be met by two successive Governments, but principally by the present Government, by a system of relief works; a system which every one admitted to have been conceived in the best intentions, but which proved in operation to be costly, cumbrous, and incapable of control, till it finally broke down under its own weight. The next system that was tried was the attempt to relieve destitution by means of food alone. This system was carried on upon a gigantic scale, and at one time no fewer than 3,000,000 persons were receiving relief in that form. This was evidently a system which was not calculated for permanent adoption, and when a temporary lull took place in October, 1848, it was brought to a close; and since that time relief had been administered, where it was absolutely requisite, through the agency of the poor-law unions. This relief was given in the greatest part of Ireland through the unions themselves; but in other parts of Ireland, and particularly in twenty-one distressed unions, the assistance which was necessary had been partly derived from the British Association, and partly from funds supplied by the British Treasury. It was stated in a Treasury Minute, of the 19th January, 1849, that from the 1st of October, 1847, to the 8th of July, 1848, a sum of 235,500*l.* had been derived from the funds of the British Relief Association, and a further sum of 132,000*l.* had been granted by Parliament, making in all a sum of 367,500*l.* It appeared also, that in the province of Connaught 182,759*l.* had been collected from the poor-rate, while the total expenditure amounted to 399,208*s.*; the excess of expenditure, therefore, over the amount collected being 216,449*l.* After referring to these details, it was gratifying to find that, whatever might have been the sufferings and difficulties of the period, the Poor Law Commissioners had reported that, without this timely aid, no less than 200,000 persons would probably have perished in the distressed districts for want of food. Now, he was aware that the conduct of the Government had been exposed to criticism and to censure. Of course it was not for him to say how far that censure was well deserved or not; but he knew that throughout this cycle of misfortune which had befallen Ireland during three successive years, one leading principle had pervaded their thoughts and their policy, and that was that, as far as they could help it, not one single individual should die of starvation. Their Lordships were necessarily aware, that when for three successive years the usual crops that formed the sustenance of the people of Ireland had almost wholly failed, it was quite impossible for any Government to save great numbers of persons from appalling suffering. They were aware, also, that in ordinary times it was not the province of a Government to provide for the subsistence of a people; but, under the extraordinary and exceptional circumstances which had occurred in Ireland, Her Majesty's Ministers were of opinion that certain districts were so situated, without the slightest prospect of relief being given from any other quarter, and when a great destruction of human life was likely to ensue, that it was necessary that assistance should be brought, food should be given, and life should be saved, by the Imperial Exchequer. It was stated in the Treasury Minute which he had cited, that as the produce of the potato crop was less in 1848 than it was in 1847, it must be expected that the charge for the relief of the poor in the distressed districts would again seriously affect the amount of the rates which were to be levied; and that as the funds of the unions were at present almost exhausted, it would be impossible to collect the amount. With this view, and under a sense of the same responsibility of providing, as far as they could, that the people should not perish by famine, Her Majesty's Government, at the commencement of the present Session, proposed to Parliament an addition of 50,000*l.* to the sums which had been previously defrayed from the public funds, in order to meet the necessary outlay which the Poor Law Commissioners were called on to administer. Well, that proposition was submitted to Parliament; but how was it received by the other House? Several Members who were connected with Ireland, persons of property and station there, were reported to have stated as their opinion, that the property of Ireland ought to contribute to the relief of the poverty of that country. He found it reported that a Gentleman, who had always been distinguished

as an economical authority, had said that in many parts of England the rates were much higher than in parts of Ireland; that in the county of Norfolk the rates were 16*s.* 6*d.* in the pound; and that there were many parishes, he might say counties, in which the rates were as high, or higher, than in any part of Ireland. It was reported also to have been said by another Member of the House, who, though not representing an Irish constituency, possessed considerable influence as a landed proprietor in Ireland, that every fresh grant only added to the misery and poverty of Ireland. Further, a Gentleman who held a most distinguished position in the late Government was represented to have stated that he did not hesitate to say that this vote of 50,000*l.* must be the last vote of the kind. He said that Ireland had no property-tax, no assessed taxes, no excise taxes, and that even the tax on spirits was less than what was paid in Scotland, and that he must say that if any rates in aid were wanted, they must be raised in Ireland. This seemed to be the general feeling among all parties in the House of Commons. Now, he had stated that the Government was prepared, in order to meet an emergency which they considered as exceptional in its character as it was certainly appalling in its extent, to propose to Parliament to persevere in the course which had been hitherto pursued, by applying for aid to the Imperial Exchequer, under the strictest guarantees for its economical administration, until better times should arrive, and more permanent and substantial modes of relief should be devised. The Government, however, was unable to gain the acquiescence of Parliament in that course. It might be said that another alternative was open to them, and that they might have declared, as they had stated on a recent occasion, that they were prepared to abide by the consequences of defeat. But when they remembered that within the last two years there had been advanced by Parliament for the relief of Irish distress or for the employment of Irish industry, and that during a time of great pressure in this country, no less a sum than 10,095,000*l.* from the Imperial Exchequer, from which, however, he ought in justice to Ireland to say that 318,000*l.* had been already repaid — when it was borne in mind also that the private benevolence of this country had come forward in a way which would always be remembered with gratitude in all well-constituted minds, and that the contributions from this source, including 300,000*l.* from Ireland itself, amounted to 1,500,000*l.*, to say nothing of the heavy burdens imposed upon many towns in Great Britain by the influx of Irish paupers—taking all these circumstances into consideration, it appeared to the Government that there was a good deal in the suggestion which had been so very forcibly conveyed, that as soon as this grant had been afforded, no future application should be made to the Imperial Exchequer, unless, at least, for the purpose of meeting a special and exceptional case, until it had been seen whether a contribution for the relief of Irish distress, for a limited amount, and for a limited time, could not be raised from Ireland itself. It was accordingly determined to submit a proposal to Parliament to that effect. The question then was, in what form this proposal for the relief of Irish distress was to be made. Now they had been told that the proposal of a rate in aid was actually an insult to Ireland. At all events, however, it was not a novel one in Ireland; for he found, in the last of the propositions which were submitted to the Poor Law Commissioners from the delegates of the boards of guardians, at a meeting held in Dublin, in December, 1848, that this very proposition was made, coupled, however, with a proposition for what was termed the individualising of responsibility, or contracting the area of taxation, so as far as possible to make it conterminous with property. He had no disposition to put on the noble Lord opposite (Lord Stanley), whose talents and connection with Ireland, in more ways than one, gave so much weight to what fell from him on such a subject, the obligation of supporting this measure; but the noble Lord certainly did, on the first night of the Session, suggest that a rate in aid should be one of the means adopted for relieving local distress in Ireland. He did not mean to lay any undue stress on the analogy of the law which existed in England and Scotland, because he admitted that there was no analogy between the circumstances of these countries and Ireland, and he wished to rest the case on the special and exceptional grounds which existed, and the temporary nature of the measure. But still, so far from a rate in aid being a thing in itself unheard of, it was provided by the statute 43 Eliz., that when a parish was unable to raise funds within itself for the support of its own poor, the justices in quarter-ses-

sions might strike a rate in aid upon the hundred. And in Scotland, also, there was a statute, the 53rd George III., by which a sum of 14,000*l.* was ordered to be raised and levied upon the heritors and landowners for the support of the poor in certain places which could not support themselves by reason of the failure of the crop of corn in the year preceding. The actual provisions of the Bill which he had now the honour to introduce, were very concise. They authorised the Poor Law Commissioners to levy a rate in aid from all unions and electoral districts in Ireland, for the relief of such unions or electoral divisions which they conceived might stand in need of it. That rate was limited to the amount of 6*d.* in the pound on the poor-law valuation for the present year and year the immediately preceding. The treasurer of the county was authorised to impound half the amount of the rate till that amount had been collected from the union or electoral division. The amount which it was calculated this 6*d.* rate would produce, would be 323,000*l.* This, coupled with the 50,000*l.* already voted for the relief of Irish distress in the present year, would rather exceed the amount of contributions which it had been found necessary to apply from extrinsic sources in aid of the distress in Ireland for the past year. Of course it was manifest that in some unions no contributions could be levied. They were all, however, made liable by the Bill, as it was not possible beforehand to know the quota that would be required, or the range to which the insolvency of those unions might extend. If the entire sum raised under this Bill were not sufficient, the Government would still be permitted to supply the necessary funds for the actual preservation of life, upon the credit of the rate in aid which might be raised in the two successsive years. The power to levy the proposed rate in aid was limited to two years, and he hoped that beyond that period the necessity for extrinsic aid would not exist; but the Government disclaimed all intention of prolonging beyond that time an impost to which, in their judgment, such strong objection attached, when considered as a permanent and settled system, and not as a temporary and exceptional expedient. Now, what was the exact case with which they had to deal? There were in Ireland at this moment, in the whole of the district to the west of the Shannon at least—call them what they would, distressed, destitute, bankrupt, or insolvent—unions which were unable to support the amount of pauperism which existed in them. Her Majesty's Government thought that support must be afforded; but they also thought that this amount of distress could not be supported from imperial resources, and, therefore, for the relief of those portions of Irish distress they had to look to Irish funds and to Irish resources. The unions from which it was impossible to expect any contribution amounted to twenty-one; there were ten or a dozen others which were trembling upon the very verge of the like destitution; and there were above a hundred in a state of greater or less incapacity to assist the others. If their Lordships would consult the returns laid before the House, they would find that the average amount per pound of the expenses during the last year upon the poor-law valuation for the whole province of Ulster was 1*s.* 9¼*d.*; for Munster, 3*s.* 7½*d.*; and for Leinster, no more than 1*s.* 11½*d.* That their Lordships, however, might not think that the financial concerns of the English unions in every portion of this country were much more prosperous than those in Ireland, he would state that he found, by a return presented to the House of Commons in the present Session, that in twenty unions, in different parts of England, the average poor-rates was 4*s.* 1*d.*; that in twenty other parishes it was as high as 8*s.* 11¼*d.*; and that in four or five parishes the poor-rates stood as high as 12*s.* 11*d.* It was said that the dislike of the present measure did not apply so exclusively to the drain which it would make upon the better circumstanced districts of Ireland—not to the sum of 6*d.* in the pound—but to the whole principle of the impost. It was asked, and he would admit with some force, why the county of Antrim and the town of Belfast were more called upon to contribute to the relief of the county of Mayo and the town of Galway, than the county of Warwick and the town of Birmingham? They must not, in considering that argument, leave out of consideration the circumstance of the difference of taxation of the two countries. The people of Great Britain paid a property tax, assessed taxes, and land taxes, duties on hops, bricks, and other articles, amounting to upwards of 12,000,000*l.* sterling annually, from which the people of Ireland were totally exempt. He would ask, then, whether there was any thing so unfair, so unjust, or so monstrous, in calling upon

the people of the more favoured portions of Ireland, who were not exposed to the same severity of distresses as their more suffering Irish fellow-subjects—who were not liable to the same amount of taxes as their English and Scotch fellow-subjects—to contribute a limited sum, for a limited time, in aid of distress so acute, so unparalleled, and so near their own doors? It was not among the least painful parts of the duty which Her Majesty's Government had to undergo in bringing forward this measure, and which they thought it both their duty and necessity to do—it was not the least unpleasant portion of their duties, that in doing so they should have arrayed against them the opposition of such a province as Ulster, and of its loyal, orderly, industrious, moral, and religious population. And certainly it did seem upon the surface something perverse that the same fine and admirable qualities which had excited their respect, should also be the self-same qualities which exposed them to an impost which they feel so onerous and unjust. It was quite plain, however, that if they were compelled to resort to the better-circumstanced districts of Ireland, Ulster could not be excepted. He felt that the chief objection to the measure which he had to propose was, that it mixed up with the ordinary operation of the poor-law this very distasteful impost; and he thought it was to be regretted, that when any unions should have succeeded in managing their affairs economically and carefully—and still more, perhaps, when, by dint of great exertions and prudence, they had managed to keep their heads above water—that it should be found necessary to mix up their ordinary and legitimate operations with this unwelcome and intrusive impost. He felt those to be great objections to the measure—such as could not be disregarded, if it were not for the alternative which they saw before them, of being unable otherwise to prevent a large number of the people from dying of starvation and destitution. Some of their Lordships might, perhaps, think that an income tax for Ireland would be a more preferable mode of taxation. He would not upon this occasion discuss the propriety of applying an income tax to Ireland; the time might possibly arrive when—at some future day—when that might form a subject of discussion with their Lordships, and when, like this rate in aid, it might become necessary to impose it upon Ireland. If, however, Her Majesty's Government had found such a course would have been preferred by representatives of the people of Ireland, whose wishes upon such a subject he thought it not unbecoming to ascertain and consult, they would not have been averse to entertain that proposition. All he would say at present upon the subject was, that opportunities were given to those persons, both within and without the walls of Parliament, of notifying that preference, but that opportunity was not embraced by them. The original reasons which weighed with Her Majesty's Government for proposing the rate in aid instead of the income tax were, that it appeared to them that the reason which prevented Sir R. Peel from extending the income tax to Ireland, when he originally proposed it for England, on account of the difficulty and expensiveness of providing any adequate machinery, and the reason which induced Lord John Russell to refrain from extending the income tax to Ireland when he proposed to continue it to England, on account of the suffering and afflicted state of the country at that time—that these two combined reasons had not so far disappeared as to induce the Government to think that the present was a favourable period for introducing for the first time an income tax in Ireland. The rate in aid, whatever just objections might be made to it, did not require any additional machinery, or involve the necessity of any increased staff, or additional expense in collecting—the whole paraphernalia for the collection of the rate was at hand, and ready to be employed. It appeared, therefore, to the Government that that was the readiest, easiest, and most effectual method which they could command for meeting a demand which could not be resisted, and which could not be postponed; and they could not, however much they regret the necessity for proposing the rate, feel any compunction for the course which they had thought it their duty to pursue. One of the suggestions made before the Committee by some of the able and talented witnesses who had been examined before their Lordships, was that of appropriating, for the purpose of this relief, the remains of the debt still due upon account of advances for building workhouses. Such a plan would, however, have a very capricious operation in Ireland. He thought, moreover, that, if the Government had made such a proposal for the purpose of contributing to the relief of Irish distress, such a proposition

would have met with a very scant courtesy from the House of Commons. He owned that when successful endeavours were made to recover any portion of these advances, he would rather wish to see it reissued and re-lent to supply additional workhouses in Ireland, the want of which was so urgently admitted on all hands. The state of Ireland at present presented many suggestions to their minds—many matters which were charged with deep interest for future generations—many matters justly requisite as supplements even to the present measure. A Bill was now before the other House of Parliament for remedying certain of the operations of the poor-law. That measure would, probably, come before their Lordships shortly; and he would, therefore, say no more upon its provisions than simply that it would bring before them the subject of a maximum rating in Ireland—a subject intimately connected with the present measure. There was, also, another Bill upon the all-important subject of the mode of dealing with encumbered estates in Ireland. If he were asked why the present measure was brought forward alone and unattended, when there were two other important measures affecting Ireland before the other House, his answer would be, that Her Majesty's Government dare not wait: they were now every day advancing public money in Ireland without any authority whatever from Parliament, and they would be ashamed of themselves if they did not take upon themselves this responsibility. Their Lordships must, however, feel how precarious and how hazardous this furtive charity was. They had already proposed that 100,000*l.* should be issued upon the credit of this rate in aid, and this sum was most imperatively called for by the distress that existed in that country. Before concluding the observations with which he had thought it right to trouble their Lordships, he would beg their attention to a few extracts from some of the most recent statements which had been made to the Government on the subject of the distress in Ireland, in order to show that further delay was what they dare not run the risk of incurring. [His Lordship then read several extracts addressed to the Poor Law Commissioners of Ireland, showing the fearful state of distress which existed in several of the unions, and stating that in several of them the contractors for milk and breadstuffs, not having received any payment for a considerable time, had threatened, unless some payments were made, to discontinue altogether the supply of provisions.] His Lordship then proceeded to say, that he did not deceive himself, and trusted that he formed a sufficiently low estimate of any weight or authority with which he could address their Lordships; but through his feeble and imperfect utterance he must declare that a mighty woe was in the presence of them all—such an one as, in intensity and duration, had perhaps hardly ever been known in the experience of their own or any other nation. It was true that from the many and varied vials of wrath which now seemed to be poured out over the nations of the earth, this country in mercy had been hitherto exempted. It was true that they had no cannon gathering in their streets, nor had they been afflicted by the glare of burning villages or towns throughout their land; but he questioned whether the last three years of famine, and its attendant consequences, in Ireland, had not presented forms of calamity as prolonged, as acute, and as crushing as had ever been exhibited in the annals of human suffering; and now, in their present stage, they had perhaps reached even their most cruel aggravation, because their sufferings had almost ceased to inspire either interest or pity among the mass of the community; and some matters connected with the mode in which the benevolence of this country had occasionally been treated, but into which he would not then enter, had gone far, in many instances, to deaden the feelings of the public. Their Lordships, however, would not be wanting to the sacred claims of charity and benevolence now put forward in behalf of the people of Ireland. It might be that the measure which Her Majesty's Government now proposed, and which they did not deny to be imperfect, might, without some supplementary measure, of some more deep-searching and far-reaching character, prove to be illusory. But what they had now to bear in mind was, that if the meal contractors and the milk contractors were not paid in hard money next week, the inmates of the workhouses would die by hundreds. It might be said that their measure was faulty and objectionable in its principle; but if their Lordships now only looked to the principle of the measure, without considering what might be its results, although it was calculated that outdoor relief, as now administered, was only at the rate of a penny per day for each pauper, yet if the single pound of meal

was withheld, which now barely kept body and soul together, then there would be desponding, despairing, and dying thousands. In short, blame the Government if they would, condemn them if they must; but let their Lordships not, for themselves, by rejecting this Bill, encounter a risk of which the responsibilities and memory would not be easily shaken off. His Lordship concluded by moving that the Bill be now read 2ª.

The Earl of RODEN said, that he felt, as an individual constantly residing in Ireland, and accustomed to mix in that country with all classes and denominations of the people, that there was perhaps none of their Lordships who were better acquainted with the real state of the people of Ireland, and he trusted, upon that account, that he should be excused from rising thus early to state the reasons why he intended to move as an Amendment on the Motion of the noble Earl who had just sat down, that the Bill be read a second time this day six months. He was perfectly willing to give Her Majesty's Government credit for a desire to meet the difficulties of Ireland, attendant upon the distress that unfortunately existed in that country, and which could not be exaggerated; but when he heard the noble Earl propose this rate in aid as a remedy for this distress, and as a means of meeting the difficulty; and when he heard the arguments brought forward in support of that measure by the noble Earl, and the answers which he gave to his own arguments, he really thought that the noble Earl would with very little inducement have been prevailed upon, believing as he did in the honesty of character which had always marked him, to support his Amendment, and that he would have felt that such was the force of his own arguments against his own measure, that he would have advised his noble Colleague to pause, even at this late period, and endeavour to find some other source from whence this peculiar relief might be derived, which would at all events have been just in character, and adequate for the purpose required. From the concluding portion of his speech, he feared, however, that the noble Earl was determined to persevere in what he must call a most unjust course. He regretted that the noble Earl did not go a little farther back in his address, to the cause which had produced the distressing state of things which now existed. In the year 1836, a Royal Commission was issued to inquire into the circumstances of the poverty which then existed in Ireland to a very great degree. The commissioners nominated on that occasion proceeded without delay in the prosecution of their labours, and the report of that commission brought to light such an immense amount of wretchedness and misery that the Government thought it right to propose a measure for the enactment of a legal provision of the poor in Ireland—a measure which was not recommended in the report of that commission, but, on the contrary, the Bill was founded on the report of Mr. Nicholls, the Poor Law Commissioner, who, after a six weeks' tour in Ireland, came back and proposed this measure. His suggestion was acted upon, the Poor Law Bill was passed. He (the Earl of Roden) thought it his duty to take part in carrying out the measure which the Government then introduced. In the House he took exception to several parts of the Bill; but he returned home to endeavour, in the best manner he could, to assist in carrying out its provisions; and in the union with which he was connected, every exertion was made, and successfully, by the board of guardians in carrying them out. He must entreat their Lordships to remember that the landlord was placed in a different position with respect to the poor-law in Ireland, from that in which he was placed in England. In England the tenant and occupier paid the whole of the poor-rate, while in Ireland it was divided between the tenant and the landlord, one-half being paid by each; and in the case of tenants of 4*l.* holdings, no rate whatever was paid. Besides that, the position of landlords in England and Ireland materially differed. He would give an instance to show the effect of that law; he knew the case of an Irish landlord, the nominal owner of two estates, one worth 10,000*l.* a year, the other worth 2,000*l.* a year; he had two residences on those estates, and out of his income of 12,000*l.* a year, he possessed, after paying the interestof mortgages and other charges, a clear revenue of 3,500*l.* a year; out of that sum he was forced to pay 800*l.* for poor-rates last year. In the year 1845, the people of Ireland had been visited with the calamity which had been so feelingly depicted by the noble Lord opposite. In that year the potato, the only food of the people, had been entirely swept away, and it therefore was thought necessary to alter the poor-law of 1837 for the purpose of giving power to the guardians to administer out-

door relief. The effect of such a change was nothing less than confiscation in some parts of the country. It was well known that in the year 1847 the difficulties of Ireland had reached to the highest pitch—public and private funds were exhausted in the attempts made to relieve the sufferings of the people. The noble Earl had referred to that circumstance, and he (the Earl of Roden) was most happy to refer to it also; and he hoped the obligations which the people of Ireland were under to their brethren in England and Scotland for the relief then afforded them, would never be forgotten. He trusted they would never forget the exertions and sacrifices that were made to assist them in their hour of necessity. It was not true that the Irish people were not grateful for such acts. ["Hear, hear!"] No doubt there were persons who, for worldly purposes, had made use of language highly discreditable to themselves; but as an individual acquainted with the people of Ireland of all classes and denominations, he ventured to assert in their Lordships' House, that there was no individual acquainted with Ireland who could for a moment doubt that from the peasant to the highest person in the land, no other sentiment than gratitude prevailed with reference to the aid afforded by this country during the prevalence of famine in Ireland. To come, however, to the subject more immediately before the House. The object of the Bill which the noble Lord had moved to be read a second time was, so far as he could understand, not only to enable Her Majesty's Ministers by Act of Parliament to carry on the poor-law, and to authorise general rates to be levied in all the unions for the relief of the poor, but it gave a power also to pay the debts of the unions, as well as to give relief to the paupers. Against such a proposition, he (the Earl of Roden) would most strongly protest.

The Earl of CARLISLE remarked that the Bill did not propose to do that.

The Earl of RODEN thought it would be found, by reference to one of the clauses, that such a power was given. With respect to this measure for levying a rate in aid, he begged to call the attention of their Lordships to a pamphlet, recently published by Mr. Butt, and from which he begged to read an extract:—

"It is proposed that this rate should be imposed for two years, and should be limited to 6*d.* in the pound upon the rated value of property; but it must be felt that if it be once conceded that the property of Ireland at large is the proper fund from which the deficiencies of any particular localities are to be made up, the proposed tax is indefinite, both in its duration and in its amount. Every reflecting man must see that the progress of legislation for this country affords no hope whatever that the pressure of poor-law taxation will diminish with the progress of time. On the contrary, we must expect that its pressure must increase in a rapidly accelerating ratio, as class after class is dragged down to pauperism. At the end of two years the aid demanded will be greater than it is now. The question, therefore, is a permanent one, and it involves the whole extent of the property of every man in Ireland, because to that full extent it is not only perfectly conceivable, but almost certain, that the demands of pauperism may proceed, if the present system be persevered in. If Parliamentary documents can be relied on, this is a matter of numerical demonstration. We must treat the Ministerial proposition as a proposal to provide for the poor, by a tax to be levied up to a certain amount on the district in which they happen to be relieved; beyond this amount, by a tax upon the entire property of the country—those funds to be applied according to the provisions of the poor-law of 1837 and 1846. Could we regard the proposition as, in truth, a temporary expedient to supply funds for a transitory purpose, it would resolve itself into a mere question of injustice to the districts of Ireland, whether in Ulster or Munster, on which it is proposed to levy the tax. Even in that case, I believe the tax ought to be resisted to the utmost, on the simple ground that it is unjust—perhaps more palpably and manifestly unjust if it be but an extortion of money from a particular class to meet a temporary exigency of the State. But let us ask of the proposers of this measure, upon what argument can they now justify their demand for the rate in aid, which will not justify a repetition of that demand at the end of two years if the same necessity exists? There is not a man in Ireland, not looking for a place, who is fool enough to believe that if the policy hitherto pursued be persevered in, the same necessity will not two years hence exist in a more aggravated form. Why, then, will not the rate in aid be levied again? What excuse can now be suggested that will not be available then? What difficulty exists now that will not be equally formidable then? What other fund will then be open to appeal to that does not exist now? Will the starvation of the people in the distressed unions be then less imminent than it is now? Will precedent weaken the force of the demand? No, my Lord; of all the pretences by which the insult of treating us as fools could be added to the injury of such a law, the most palpably absurd is the pretence that tells us that this is but an expedient to meet a temporary difficulty of finance."

He agreed most fully with Mr. Butt in his observations, but, at the same time, he was particularly anxious to guard himself from being misunderstood. He did not want to avoid taxation. He and those circumstanced as he was, were willing to submit to any taxation that was fair and right which the Government chose to put upon them. To any individual who sup-

posed it was the desire of the noble Lords who sat around him, or persons resident in Ireland, to avoid fair taxation, because they were opposed to what they conceived to be an unjust tax, he would only say it was an unworthy suspicion to enter into the mind of any man; and he believed that the man into whose mind it could enter, was only just expressing what would be his own conduct if he were concerned himself. It was not for them to say in what way they should be taxed, or what tax they would choose. The noble Earl had spoken of an income and of other taxes, but it appeared to him (the Earl of Roden) that it was for the Minister of the Crown, and not for individuals unconnected with the Government, to propose to that Government what tax they should put on them. He (the Earl of Roden) could not but think that the act of inviting a particular section of the House of Commons to consider this tax, was not a very constitutional mode of proceeding under such circumstances. He knew he was dealing with high authority when referring to the question of constitutionality in connexion with the conduct of the noble individual to whom he alluded; but still he felt it was the duty of the Government to propose their tax, and it was equally the duty of those who deemed it to be unjust, and who felt that it would not bear equally on the people, to enter their opposition to it. He objected also to this measure, because he conceived it would destroy the working of the poor-law. He (the Earl of Roden) was anxious for the honest working of the poor-law; and he believed whoever might be Members of the Government, they would ultimately be obliged to go back to the poor-law of 1837 to save the country from ruin. He objected also to this measure, because he thought it was the strongest argument they could give to those persevering men in Ireland who had for their object the destruction of the empire by the division of the two countries; it was the strongest argument they could give them for the repeal of the legislative Union. He begged again to read a passage from Mr. Butt's pamphlet:—

"The imposition of this tax is, in truth, to declare the Union a nullity. The moment you declare that you must make up the deficiency of the bankrupt unions from some source external to themselves, that moment you admit the purpose to be one to be supplied from the revenues of the State or the nation. What State?—what nation? If the imposition of your tax answers—Ireland! then you have no answer to the demand that the Irish State and nation should have her separate legislature and her own exchequer. My Lord, one can scarcely help thinking that there is in the Castle some repealer in disguise, who wants, in the most malicious manner, to punish the Ulster men for the excessive readiness of their unionism last spring. Think with what inward glee such a personage would remember the loyal addresses in which the gentry and yeomanry of Ulster declared themselves ready to support the Union at all hazards, and vow in his heart that he will have revenge by making you pay the sixpenny rate in aid. It is quite evident that he means to teach you that if the Union means community of burdens, that does not mean that England shall share yours; and no doubt, my Lord, his malicious revenge would be complete if he could only get some of his clever supppрters to sneer at the loyalty of Ulster as a sixpenny loyalty. Whether there be such a repealer I know not; if there be, I am sure he could not take, in a small way, more complete or biting revenge."

It was unfortunate that this measure should bear particularly hard upon the people of Ulster, the very class to whom they should look, and in whom they should confide, to support the continuance of that Union which was the great mainstay of British independence and of British strength. He would not hold out idle threats as to what they would do—he had no doubt they would prove themselves loyal—but he feared that the measure might raise in the minds of some of them a feeling which would cause them to consider whether, with a nationality of their own, they would not obtain more justice than the British Parliament had given them in the passing of such a Bill. He had no doubt that they were placed in Ireland under such difficulties that it was their duty not to reject the consideration of any remedy that was suggested. He found that a plan had been proposed by a right hon. Gentleman which seemed to him to be impossible; but he felt that great evils required strong remedies, and he felt also that they were bound to reject nothing without consideration in the present day. He had much conversation with many individuals on the subject, and he had found it often favourably received; and surely the country should be grateful to the author for occupying his attention on their behalf. He had found that the greatest miseries attaching to their country had arisen from the constant change in the legislation of the country. There was scarcely a Session without some new measure being brought in to overturn old laws. It was often done by persons totally unacquainted with the circumstances of the country, who did considerable damage by such legislation. He

could not but think that it was much better to persevere in that which had proved to be useful. He (the Earl of Roden) felt the dangers which existed, and the difficulties with which Ireland was surrounded; but it was a consolation to think that there was One in whose hands the destinies of nations, as well as of individuals, was placed. He (the Earl of Roden) was sure that out of the miseries in which the country was involved, He would bring them to results the most wise and beneficent; and he did not fear that those who trusted in Him, would, acting justly and honestly to the best of their power, confidently leave the consequences to His guidance. In conclusion, he begged to move, as an Amendment, that the Bill should be read a second time that day six months.

The LORD CHANCELLOR having put the Amendment,

The ARCHBISHOP of DUBLIN said, that he would not trespass on their Lordships for a long time, but that he wished to say a few words on the subject before the House, having been one of the Commissioners appointed to inquire into the state of Ireland in the year 1835. If he were ever so much disposed to adhere pertinaciously to the opinions expressed in the report of that commission—if he were ever so much disposed to find fault with any Government who did not follow the tracks they had marked out—if he were the most factious person within the walls of the House, instead of being, as their Lordships knew, attached to no party—he could not but wish, and he thought there could be no one so factious as not to wish, if possible, to support the Government, when they came forward with a proposal, which must be well meant, for the relief of such appalling distress as the noble Earl had described to them. But when he came to consider what were the chances and prospects of real and adequate relief, and of escaping an increase of evils, he was not altogether satisfied with what had been said in defence of this measure. He had bestowed more attention on this subject than many others. He had laboured assiduously, not only by personal contributions out of his own funds for the relief of distress, but for 17 or 18 years that he had been in Ireland he had bestowed more care and attention on the subject than ninety-nine out of a hundred of those who paid attention to and addressed their Lordships and the other House on the subject, and the result was, that he was disappointed, for he found that there was no prospect of the hopes being realised that were held out. Before the establishment of the poor-law in Ireland, he had taken an active part both in person and in purse to ameliorate the condition of Ireland, but he had seen objections to every plan proposed, and had predicted the results which would take place. He foresaw on the first proposal for a poor-law to give relief to the able-bodied poor, that in the first period of distress—that was, in the first period of universal scarcity—there would be a general clamour for outdoor relief. His objection, when expressed, was met by the suggestion that in every case the workhouse test would be applied. Mr. Nicholls himself had said that it would be ruinous to establish the system of outdoor relief, and it was on the report of that very gentleman the workhouses were built. He (the right rev. Prelate) was convinced that the system of outdoor relief would prove most lamentable to the working of the law, and he had opposed it. It was a painful task to have done so, and to have exposed himself to the charge of being hardhearted or indifferent to the sufferings of the poor. This was the general argument resorted to when any opposition was made to such a scheme. It was always said, upon such occasions, that people were either hardhearted and cruel, or indifferent to the sufferings of their fellow-creatures. He did not, however care for any such imputations being made against him, for he was certain his motives were pure and singleminded. When it was proposed two years ago to extend outdoor relief, the proposition was at the time condemned, as tending to increase rather than to mitigate distress. He had set before their Lordships the results which would follow. He would have been rejoiced if his anticipation had not been realised; but, unfortunately, his predictions had been fulfilled. He should like to know whether, if he supported the present Bill, there would be any security that in the end the distress would not be aggravated rather than decreased. He was the last person who could with justice be charged with being insensible to the sufferings of the people of Ireland, or with entertaining any feeling of indifference for their position, because, owing to the circumstances in which he was placed, he had opportunities of witnessing more than others the sufferings of those above the very poorest in the community, and who had once been in easy circumstances. Many of the per-

sons to whom he had alluded were to be found among the ranks of the clergy. He had relieved many of those cases himself. He had known cases in which clergymen, who had once been in easy circumstances, were unable to obtain a sufficiency of the coarsest food for the maintenance of themselves and their families; cases of clergymen whose sons were withdrawn from their studies at college, and enlisted as common soldiers; cases of clergymen, whose sons were glad to be allowed to break stones on the road, in order to contribute some share towards the maintenance of the family; and cases of clergymen who were grateful for donations of old clothes to protect them from the severity of the weather. All these misfortunes had been brought on by the operation of the poor-law, and to the payment of rates in relief of distress was to be attributed the broken-down fortunes of those persons. The effect of the law was to reduce the middling and struggling classes to abject poverty. Their cattle and stock were distrained for rates to support pauperism, and then they became paupers themselves. He knew, himself, the case of a gentleman who had a large estate lying waste and profitless. The tenants all emigrated to America with the rent, and everything they could scrape together, and the owner of the land could not even let the land as pasture for cattle, lest the stock should be seized for payment of poor-rates. Such was the position of this gentleman, who was now dependent upon private charity for support. He believed that the working of the present law, as far as respected the mode of administering relief, and the circumstances under which it was given, operated as a penalty upon industry, and an impediment to the cultivation of the land. If they resorted to this rate-in-aid system to bolster up the poor-law, it would only tend to perpetuate and increase the distress. What they ought to consider was, whether they could introduce any measure which would relieve present distress without increasing it ultimately. They had been told, two years ago, that if relief were given to the ablebodied, the distress would be greatly aggravated, and he now inclined to the opinion that distress in Ireland would not be so general and alarming but for the adoption of the system of giving relief to the ablebodied. The practice destroyed the spirit of self-reliance, and broke down the means of employment. They were told that the rate in aid would only amount to sixpence in the pound, and that its duration was to be for only two years, Now, although he knew nothing personally of the people of Ulster, or of the feeling in that province, he thought that they would not object to the infliction of a sixpenny rate, if the same argument could not be adduced in favour of a shilling rate, a five shilling rate, or a ten-shilling rate. The great Hampden went to prison rather than pay a few shillings ship money; but it was most probable that Hampden would not have objected to pay the few shillings if he were certain that the necessities of the King would not have ultimately required a further impost. The tax, however, was taken in a way by which no man could tell what was his own; because no man could tell when the necessities of the King might stop. It was ascertained that a great portion of land in Ireland was thrown out of cultivation; and where famine now existed in its most frightful shape, the distress would now be no greater than in former years, if it were not for that most unfortunate measure, to give relief to the ablebodied. The system preyed like an eating canker upon Ireland; and unless some better security could be given that the evil would be stopped and remedied, instead of aggravated and perpetuated, he could not reconcile it with his conscience to support this measure, however confident he felt of the good intentions of Her Majesty's Government, and however sensible he was of the great extent of the distress, and the necessity for strong measures to meet it.

LORD BEAUMONT felt anxious to explain to the House the view he took of the question, and the motives which induced him to record the vote he was about to give. He must own that the subject was surrounded with difficulties on all sides, and that, in the present distressed condition of Ireland, they had at best but a choice of evils. He did not think that the blame of such a position ought altogether to be laid to the Government, as the noble Earl who had moved the Amendment appeared to think it should, but that some blame ought, in justice, to be borne by the Irish Members of the other House of Parliament. They had an opportunity of suggesting their own plans, and they refused to avail themselves of it; they were asked advice, and they declined to give it; they were offered a choice, and they would not make it. After such conduct on the part of the Irish representatives, he could scarcely

find fault with Ministers for persisting in their original design. Neither did he blame the Government for the course they had pursued with reference to the Irish Members. Looking at the present condition of Ireland, bearing in mind the report which their Lordships' Committee had made, and remembering the strong opinion entertained on this subject out of doors, he thought it was only a fair and open course for the Government to call together the Irish Members, and to consult them as to the views they entertained upon a question affecting the taxpayers of Ireland alone. First of all, it was admitted on all hands that a grant of money must be made to Ireland, to prevent the people from starving. The position in which the Government was placed was such, that they must do something, and it was only the choice of that something which was to be decided upon. The Committee of their Lordships' House had pronounced against the proposal for a rate in aid, and the question what was to be the substitute then remained. As their Lordships' Committee had suggested a substitute, he did not see any reason why the Irish Members should not have been asked whether they preferred the proposition of the Government, or the substitute recommended by their Lordships. The Ministry acted right in calling the Irish Members together, and the Irish Members ought to have suggested something by which, in their opinion, the distress might have been alleviated. The Irish Members had not acted friendly or candidly in not suggesting to the Government when called upon to do so some means by which the emergency might be met, after having condemned the measures proposed by the Administration for the purpose: they, however, would suggest nothing of themselves, and opposed every proposition that was made connected with it. The obstinate silence of the Irish, in his (Lord Beaumont's) opinion, left the Government full liberty to act as they liked. There was no reason why they should not adopt the recommendation of the Lords' Committee, nor would there have been anything inconsistent in their abandoning the rate in aid. He thought, after what had passed in the House, and after the evidence which the Government themselves must have got from their agents in Ireland, that they must have been convinced of the superiority of the substitute recommended; and if they were so convinced, as he had no doubt they were, he thought it was their duty, happen what would, to have come forward and proposed it. If the Government had done this, they would not have been in their present position, neither would they have had this House against them, or wanted proper support in the other. He blamed the Irish Members for not being candid, and the Government for their want of resolution. It was not too late to adopt the suggestion of the Committee, should an adverse vote be passed on the measure before them. He would, however, defer all consideration of the proposed substitute until they had fairly examined the plan proposed by the Government. But looking simply at the merits of the present proposition, he asked whether, in the first place, it would or would not meet the single object for which it was proposed, namely, the relief of those who were totally incapable of finding any support by their own means? This was the sole and simple object of all poor-laws, and ought not to be mixed up with the question of inducements to employ labour. The only desirable and wholesome stimulus that could be given to labour, was the interest of the party who employed it; and it could not be advantageous to seek to promote the employment of labour, unless that labour would afford an adequate return. But would this measure effect the simple object he had pointed out? He confessed he believed it would totally fail in accomplishing even that. He believed that a rate of 6*d.* in the pound as a national rate, instead of relieving all those persons who were unable to support themselves, and who could receive no relief from the exhausted treasuries of their own districts, would become an additional cause of Irish distress: first, by increasing the number of persons in that unfortunate situation; and, next, by decreasing the value of property, and diminishing the resources of those who would be called upon to contribute. It would thus act in a doubly disastrous way; it would increase the number of paupers, and decrease the means of those called upon to support them. He might point out several ways in which this would be effected. In the first place, a national rate involved the destruction of local interest; for by it we should lose that cognisance of the expenditure, and that degree of interest which induced ratepayers to watch minutely and carefully the working of the poor-law; and we should lose also the chance of detecting imposition which resulted from local cognisance. Again, we should lose the great principle,

that those who paid the rate should in some degree be represented by those who had the disposal of it. Now, they had representation with taxation; but the 6*d.* in the pound would be carried to a distance, and administered by a board at a distance, and that principle—most necessary if we wished to secure economy in the expenditure, or willingness to pay the tax—would be lost. This would be the result in districts where they paid the tax; but in those where they received, the effect would be to increase pauperism, since, in proportion as the paupers increased in numbers, in that proportion would the money raised in the better-conditioned districts flow into the district aided. A rate in aid gave an actual and positive money inducement to increase pauperism, in order to obtain and attract this relief; and the necessary consequence would be, that the rate in aid would speedily increase the number of insolvent and diminish the number of solvent unions. There was nothing in the world to prevent unions from running up their rates to 5*s.* in the pound; and, indeed, if they approach that sum fairly, it is worth the while so running up the rate, because they then cease to be contributors, and become recipients; and this might be done, too, while the real amount collected need not exceed 3*s.* Because they must recollect that it was not necessary 5*s.* in the pound should be collected, but that the sum calculated for the maintenance of the poor for one year should exceed 5*s.*, in order to entitle an electoral division to assistance; and all the commissioners had to require was, that due exertion had been made to collect the rate. How could they discover whether the utmost exertions had been made to get the money? They could only do it by distraining in every case; and if they tried that expedient, they would depopulate the whole district as far as occupation went, while it would at the same time be filled with paupers. To do this would, therefore, be a practical impossibility; and they would have in consequence, besides the twenty or twenty-one unions now insolvent, another twenty-one, or more than that, in the same predicament, and the whole would become recipients. It was, therefore, quite clear that the sum thus raised would never be sufficient for the purpose for which it was intended, namely, the support of persons really destitute. Then, he had heard the mode in which this rate in aid was to be levied, along with the ordinary poor-rate of the district, compared with the mode of collecting the poor-rate in England, together with the county rate in England; but there was no analogy whatever between the two cases, because both the county rate and the poor-rate in this country were spent exclusively for the benefit of the locality who paid both; whereas the rate in aid would have to be paid by districts who derived no benefit from, and possessed no control over, its expenditure. But who were to pay this sixpence in the pound? In the first instance it fell upon the small occupiers above 4*l.*, who would be most reluctant to pay, since they would feel that it was going to the support of those districts the pauperism in which was chiefly caused by the neglect of those whom they were about to assist to bear its burden. It would, moreover, be an injury to the existing poor-rate, if they were collected together as it was proposed. They would run the risk of losing what they now did get, and of increasing the danger and difficulty of collecting the present existing poor-rate. The ratepayers would confound the ordinary rate with the rate in aid, and condemn both. The injustice of the one would blind them to the justice of the other. Its operation, therefore, as far as the occupiers were concerned, would be to multiply the present evils attending the collection of rates, and promote hostility to any poor-law at all. A portion of the rate in aid would fall on the immediate lessors, who were persons in a higher position. It had been said that it was desirable to give this class separate and individual responsibility as much as possible; but every tendency of this measure was directly against that principle. Individual responsibility was an admirable principle; but why talk of that, and at the same time adopt a measure which would be its utter destruction? All parties were looking forward to a reduced area of taxation; but the only use of a reduced area of taxation was to increase individual responsibility; yet this benefit, which all agreed would be the greatest improvement in the poor-law, was to be neutralised in anticipation by the imposition of a national rate. The right rev. Prelate had ably shown that the result of this measure would be to throw the land out of cultivation, and to destroy the wealth of the landlords, and he would not, therefore, touch that point; but there was another of equal importance, to which he must allude. When they adopted a national rate, what

did they do with the capitalist who invested his money in land in Ireland? Suppose he (Lord Beaumont) were a capitalist—and he was sorry to say he was not—and he inquired the price of an estate. He might be told that it was such a price; a very fair price if there were only the people to take care of who were then upon it. On the doctrine of individual responsibility, he might take it and cultivate it, and lay out large sums, and it might be a good and fair investment; but it would be a very different thing if, besides keeping the pauperism existing upon the land, the capitalist were to be taxed for the relief of the pauperism of other districts, over the causes of which he could have no control. What was worse than even that, was, that he was called upon to pay in exact proportion to the amount of money he laid out upon his purchase; so that if by the outlay of thousands of pounds the capitalist put his estate into a rich, productive, and flourishing condition, he would have to pay precisely in proportion to his success for the support of the poor in other parts of the country, to which he, at the same time, by that forced payment, was giving a motive to increase and perpetuate pauperism. Without going into the question of the rate in aid tending to bring about a separation between the two countries, which had also been ably stated by the right rev. Prelate, he must remind their Lordships that, if the connexion between taxation and representation were destroyed in Ireland, there was no reason why the whole empire should not be placed upon the same footing: this pauperism would then no longer be a local question, but would belong as much to England as to Ireland. The only reason for asserting that each country must take care of its own poor is, because each is supposed to have control over the causes of its own pauperism; but once adopt the principle of a rate in aid, and it became an imperial misfortune which the empire must bear. There was also the consideration that in proportion as persons objected to the rate, the more costly would be its collection; the less local control the more lavish the expenditure; and the whole management and matter being new, there must be new machinery—all productive of expenses over and above those of the present poor-law. There were many other reasons, most of which had been noticed by the right rev. Prelate; but those he had enumerated were alone sufficient to induce him to vote against this measure. They were about to adopt a principle which would be used as a precedent in future legislation, although they were asked to provide only a temporary expedient. He did not imagine that the present state of Ireland could possibly be a permanent state; but he believed that a rate in aid would tend to prolong its present miseries. The present state of Ireland was one of transition. He saw every day signs of its progression towards another state. The ordeal it might have to undergo would be terrible; but the present evils were the necessary preliminary to a better state. They had heard of persons quitting their lands—of men not being able to take their lands into their own hands—of an unwillingness to till and to sow the soil. All that was true, and must be felt heavily enough, but all that was necessary to put Ireland into a healthier state. Healthier she never could become until she got rid of her present occupants. The men who took small farms knew nothing of farming: they did not use, but abuse, the land—instead of making it productive, rendering it sterile: they knew nothing of the relations between landlord and tenant; if they had a lease, they broke the covenants. As long as the land was held by such occupiers, there could be no hope for improvement. It was necessary that the land should revert into the hands of its present owners. That was absolutely necessary to render the country fit for a healthier state of society. If the present proprietors had not the means—much as he should regret, and much as they would be pitied—they must bow to the circumstances of the times, withdraw from a position they were not able to fill, and resign the post of landlord—the duties of which they failed to perform—and make way for a new race of proprietors, more able to fulfil the duties and to bear the burdens to which property was subject. All other proposals seemed to him the most absurd and ridiculous that could possibly be. It was ridiculous and absurd in a purely agricultural district, with one man for every quarter of an acre, to talk of the land employing such a population. When he heard witnesses say, "Send us capital, and we will employ the whole of these people," he was certain they must be mad, or that they knew nothing of agriculture. If he had all the money in the world, and were to treat his estate in that manner, he should bring it to the same condition as that in

which these Irish estates were placed. If estates were to be cultivated profitably to the proprietor, and beneficially to the country, they must be cultivated economically. To do this they could only employ a certain number of men to a certain number of acres. Some of the richest farms he knew in England only employed five labourers to 100 acres. That was dependent, no doubt, upon the nature of the farm; but there were some where not more than three labourers to 100 acres were employed. It must be remembered, too, that in Ireland the very climate was against a large population. There was a great deal of moisture and very little sun, which made admirable grass farms; but grass farms naturally employed fewer persons than arable farms. Of course, to some districts where mines were worked, or where were manufactures or fisheries, these observations could not apply; but in purely agricultural districts nothing like the present population could be maintained. A healthy state could not be restored where the land was so over-populated. These masses of population were like a flight of locusts, which destroyed the fruits of the soil; instead of increasing its richness and fruitfulness, they spread desolation on every side. The real cure for the ills of Ireland was emigration on a large scale. Without this all their grants were but a throwing of good money after bad. To allow the people to remain in that country in such disproportionate quantities, was only to feed pauperism. By emigration we should gain in two ways. We should get rid of the surplus population, and at the same time prevent their future increase in that country. The noble Earl who moved the Amendment had talked of an estate worth 12,000*l.* a year, from which the proprietor derived only 3,000*l.*; and he said there was an instance of how hardly the poor-law bore upon the proprietor. He (Lord Beaumont) could not admit any argument based upon mortgages. The poor-law guardian and parochial collector could know nothing of such burdens. In England nothing was known of them. An estate might be mortgaged to its full value, and the collector would never hear of it. He also denied that absenteeism had anything to do with the argument. There was as much absenteeism in England as in Ireland, but it never did any harm. These considerations ought not to be taken into account—they did not tell upon the argument in any way. As far as he could see, the only argument for the rate in aid which had the slightest value was, that it was a mode of obtaining a security for the money advanced: that was to say, the necessities of Ireland demanded an immediate advance of money, and they were to consider what would be the best security for the repayment of the money, rather than the effect which the suggested security would have on the operation of the poor-law. That was not his (Lord Beaumont's) view of their duty as legislators for the whole empire. Being of opinion, however, that the proposal of the Government did not provide so good a security as the substitute suggested by their Lordships' Committee, and being opposed to the principle of a rate in aid, he felt bound to vote against the second reading of the Bill.

The Earl of ROSSE concurred with the noble Lord who had just spoken in the objections which he made against the Bill. But the most important one of them all, was the objection upon principle, and he thought it would be better to pay four times the amount likely to be raised in some other form of taxation, rather than adopt this objectionable principle. He did not believe that any precedent existed for this rate in aid, and he thought that the mischievous consequences of it would be to diminish employment, and prevent the introduction of capital into the country. It was much to be regretted that timely efforts had not been made to avert the evil which had befallen Ireland. When, in 1847, a declaration had been got up by a distinguished prelate (the Archbishop of Dublin) recommending the imposition of an income tax, with a view of promoting emigration from Ireland, he (the Earl of Rosse) had attached his signature to it, and he regretted very much that the recommendations in that document had not been carried out. He was convinced that if a vigorous effort had been made to assist emigration at that time, they would have had a great proportion of ablebodied paupers now in America or some of the colonies, who would have taken out their families and relieved the country of much of the existing distress. For his part, he saw no reason why the taxation should not be equalised in every part of the kingdom; and he believed if that was done, much of the difficulty with regard to Ireland would cease to exist. The noble Earl who had introduced the present measure, appeared to labour under extreme misconception as to the

amount of the contribution of Ireland to the Exchequer of the United Kingdom, and the amount of its contributions for the support of its own poor. The noble Earl said that Ireland contributed but a small portion to the Exchequer of the United Kingdom, and an equally small portion to the support of the poor, in relation to the amount of its rental and capital. Now it appeared, according to the statement of the Chancellor of the Exchequer, that the entire income of Great Britain was 250,000,000*l.*; and the gross income of Ireland, estimated by Mr. John Steward in the statement made in his examination before their Lordships' Committee, was 20,000,000*l.*, being in the proportion of 12½ to 1. The average gross revenue of Great Britain and Ireland was 52,000,000*l.*, and dividing that in the proportion of 12½ to 1, it would give 47,840,000*l.* to Great Britain, and 4,160,000*l.* to Ireland. But the real amount which Ireland contributed to the revenue was 4,164,264*l.* which was actually 4,264*l.* over its fair proportion, besides duties to a very large amount paid in England and Scotland, for articles consumed in England, such as tea, tobacco, &c. The local taxation of England upon a rateable property of 105,000,000*l.* was 12,000,000*l.* per annum. It was so stated in the speech of the Chancellor of the Exchequer. The rateable property in Ireland, according to the Poor Law Commissioners' valuation, was 13,187,221*l.*, but according to the evidence of Mr. Griffiths it had depreciated, so that it was at present only 9,898,556*l.* The amount of the poor-rates collected in 1848 was 1,855,841*l.*; the county cess on an average of three years was (deducting the charge for the police) 1,142,302*l.*, and adding the sums in repayment of advances for the relief of distress, the total amount of local taxation was 4,224,315*l.*, being an average of 8*s.* 4*d.* in the pound, supposing the depreciation of Mr. Griffiths was correct, or of 6*s.* 2*d.* in the pound upon the Poor Law Commissioners' valuation. So that Ireland paid in one instance nearly four, and in the other nearly three, times the local taxation of England. Now, it had been charged against the Connaught landlords that they had brought all the distress upon themselves by the mismanagement of their estates. The fact was, that although political economists might blame them, and although persons acquainted with the improved mode of managing property in England might blame them, yet they managed their estates in the way they were usually managed by those to whom the masses in Ireland looked up, and in the way that the late Mr. O'Connell himself recommended they should be managed. He believed that one cause of the peaceable state of the province of Connaught was, that the landlords did not interfere with the people, and allowed them to increase and pauperise their estates. But there was adjoining the province of Connaught a splendid example of the mode in which property was managed. This was the property of Colonel Wyndham, in the county of Clare: he had brought his estate into a most satisfactory condition; yet he was denounced by Mr. O'Connell, and he (the Earl of Rosse) was convinced that if Colonel Wyndham had not resided in England—if he had resided upon his estate in Clare, unless he had taken the most extraordinary precautions, he was convinced that his life would not have been safe. One word more as to the Connaught landlords. He perfectly agreed with the noble Lord who had spoken last, that it was a great mistake to suppose that the condition of Connaught was owing to the encumbered state of the property. No doubt there was a great evil in encumbered property, but he knew an instance in the county of Mayo of a property that was not encumbered—the property of Sir Roger Palmer. Now, Sir R. Palmer let his land at a third of the real value; yet upon his estate there was as much poverty, perhaps, as upon any other property in Mayo. He regretted that he must admit, to the fullest extent, the reasons assigned by the noble Lord who introduced the measure—reasons arising out of the unfortunate condition of the south and west of Ireland. He admitted, not only that there was great and increasing destitution in the west, but also in the south of Ireland, and he had no doubt that their Lordships must feel to some extent overpowered by the weight of the responsibility that weighed upon them. Their Lordships had heard, over and over again, that the population of Ireland was numerically redundant in proportion to the means of employment. He believed there was no well-informed person who doubted that fact. Others had gone farther, and maintained that the population of Ireland was redundant in proportion to the area of cultivation. Now, when it was known that the population engaged in agriculture was nearly three times as dense in England—when it was known

that in England, while the agricultural population averaged but ten to the hundred acres, in Mayo it averaged sixty-two to the hundred acres—it would be difficult to convince any one that the population was not redundant with regard to the area of cultivation. But he only wished to assume that the population was redundant with regard to the means of employment. It followed from that, that there were but two ways in which the evil could be remedied: one, by diminishing the population; and the other, by increasing the means of employment. Now, had the Government assisted emigration in any way? So far from that, anything that was done was in a contrary direction. There were regulations and restrictions which were perhaps necessary, but they impeded emigration to some extent. Then, as regards the means of employment, save and except some trifling loan, they have done nothing to increase the means of employment. He thought the first step that ought to be taken to remedy that state of things, was to make some improvements in the administration of the poor-law. He thought it exceedingly defective at present, and that the Poor Law Commissioners had failed in the discharge of their duty in not giving early instructions and advice to the boards of guardians as to the necessity of providing increased indoor accommodation. The boards of guardians were left in a state of total ignorance on that point; and on the first application they generally gave an order for outdoor relief, and they then found it exceedingly difficult to revert to indoor relief. The result had been that pauperism had been considerably increased. He thought they ought to get rid of the system of outdoor relief as speedily as possible, and to provide employment for those who obtained indoor relief. Nothing would tend more to give confidence to the boards of guardians than to separate the Poor Law Commission from the Irish Executive. Of course, it could not be otherwise than advantageous if the distinguished individual at the head of the Irish Government would take part in the administration of the law; but he believed that, in point of fact, the Chief and Under Secretary took no share whatever in it, as they could not afford the time; and it was, therefore, left to subordinates. If that had not been so, we should never have had that unfortunate circular respecting the quarter-acre clause. He would recommend a complete equalisation of taxation throughout the whole country; and having done that, he would have Ireland treated like an English county; and he could not say that she had been hitherto so treated. He would also encourage emigration; and so strong were the ties of relationship that he believed that when some members of a family had emigrated, others would be sure to follow. He had no faith—however high the authority by which the scheme was propounded—in the plan that had been recommended for the plantation of Connaught; but he thought that emigration would be found one of the most efficient remedies for the evils of Ireland.

The Marquess of CLANRICARDE began by observing, that any observations uttered by the noble Earl who had just sat down, must always be listened to on either side of that House with the utmost respect; and even more especially so when those observations related to the poor-law, a subject to which he had devoted so much time and attention. But his remarks this evening, deserving as they were of the highest respect, appeared to apply more directly to the general administration of the established poor-law, than to the rate in aid under present consideration. It was to have been hoped that the noble Earl would have ended by suggesting some practical mode of relieving that horrible and appalling distress, into the details of which he (the Marquess of Clanricarde) would not now enter, but which was known to their Lordships to exist, and to meet which the Government had introduced the present Bill. The same remark would apply to the speech of the noble Earl who had moved the Amendment, and to that of the right rev. Prelate who had supported him; because, in fact, their observations would have been more justly reserved for the measure now in the other House of Parliament, for the Amendment of the poor-law, rather than to the measure now before their Lordships—a measure which the Government did not justify upon any principle of political economy, but which they had been driven to by the condition in which a part of Ireland was so unfortunately involved. The main objection stated by the noble Earl against the measure was, that it would be inadequate. Without entering into considerations of the exact amount which would be immediately realised under the Bill, or how soon the whole amount would be exhausted which it was intended to col-

lect, he would say, that inasmuch as this measure did impose upon the property of Ireland a portion of the amount of money necessary to be raised, the question of the efficacy of the sum so raised was not the real and essential point. There were two points to be considered: first, the amount of horrible distress which prevailed in a certain portion of the empire, which it was incumbent upon them to relieve; and, secondly, that it was the desire of Parliament and the feeling of the country that some exertion must be made by Irish property and Irish proprietors towards the relief of that suffering. In considering the circumstances under which this demand was to be made upon landowners in that country, he was not at all prepared to concur in those complaints of its unfairness and injustice which he had heard with some surprise from noble Lords opposite. For, how stood the facts in relation to the two countries, as to the respective share which each had hitherto borne of the burdens of the empire? That Ireland had enjoyed a great exemption from them compared with England. In other words, there could be no doubt that land, in Ireland, for many years past, had been exempt from taxes to a very large amount, with which land in Great Britain had been charged. Now, the very fact that Ireland had had for so many years the benefit of such exemption, was the strongest reason why she should no longer leave the charge for the relief of Irish destitution to be entirely defrayed by Great Britain. The noble Earl said that it was unjust to impose this tax upon Ulster. He (the Marquess of Clanricarde) would not then contend for this taxation being particularly just; but he would say, that there was no more difficult question in all taxation than that of justice. There was hardly any tax that could be proposed that did not involve more or less of injustice. But the point was, whether Ireland, having been exempt from many taxes to which British subjects had been liable, could now turn round and deny her liability to separate taxation when the question was the relief of Irish poverty. He had a return of the rates paid in Ulster up to December, 1848, and found that the highest amount was 4*s.* 6½*d.*, and the average rate upon the whole province was 1*s.* 11½*d.* He maintained that Ulster had no right to claim to be relieved from contributing to a rate of this kind on the ground that the distress was prevalent in other provinces; nor could noble Lords connected with Ireland attribute the misery pervading any of the districts which had been alluded to, to the exhausting operation of the rate levied under the new poor-law. The noble Earl, indeed, in attempting to enforce this proposition, had asserted, that in some of the unions of Ireland the poor-rate had increased in a fourfold degree. No one who heard the noble Earl could doubt for a moment that noble Lord's conscientious conviction of the literal truth of the statement he was making. But he (the Marquess of Clanricarde) must confess that, to his mind, it was matter of the most extreme difficulty to connect the distress of certain districts to which allusion had been made, with the scale of the poor-rate levied upon them. He could not believe that in any case the ruin of landlord or farmer had been the consequence of the rates to which he was liable. He had moved for certain returns, and they had been recently laid upon their Lordships' table, which showed the highest, the lowest, and the average amounts of poor-rate levied on the various Irish unions. These returns came down to the month of September, 1848. The highest average rate charged on any union did not exceed 4*s.* 6½*d.*—the lowest did not exceed 1*s.* and a fraction in the pound, and the average was 1*s.* 11½*d.* in the pound. Was it possible that a district comprising from three to four hundred thousand souls could be converted into a region of starving paupers by any poor-rate of this description? The apprehension of the noble Earl seemed to be, that such a district had been brought down to this frightful condition by a poor-rate. But in order to come to a right conclusion on this point, it was necessary to look, not on what amount the farmer was liable to pay, according to the rating of the district in question, but what amount had actually been paid up under that rating. The returns would hardly show that there was no such sum levied as would account for anything like the misery experienced by the farmers of that section of Ireland. He would now proceed to mention the highest actual rating that had been made, as it appeared on the face of these returns; and it seemed that in March, 1848, it had reached so high a point as 11*s.* 6*d.* in the pound. [*Cries of* "Hear!" *and* "Oh!"] Noble Lords would be pleased to recollect that he had already stated these returns came down only to the month of September.

For the three last months of the year they were not made up. The figures he had given were those of the highest and of the lowest average rating. He must again protest against the notion of exorbitant rates having produced that condition of misery, of desolation and destitution, in the great province of Ireland that had been so much alluded to—of the intensity and extent of which few men could have had better opportunities of judging by careful personal inspection than himself, in consequence of his connexion with property in that part of Ireland. This fearful condition, this accumulated distress, afflicting so vast a proportion of that island, was caused—not by rates, but by causes of far more searching and terrible operation—by the repeated failure of the crops—the famine consequent on that failure, and the awful visitations of disease with which it had pleased Providence—in one of those dispensations of its wisdom that we were not permitted to fathom—to afflict the country. He defied noble Lords to show how by legislation the ruin and misery of the small farmers and all others connected with the occupation of the land and its cultivation could have been lessened when they had naturally anticipated that the crops of the disastrous years they had passed through in 1847 and 1848, would be of the same average yield as usual. But it was the duty of Parliament to endeavour to apply some remedial measure to this existing distress; and it was with a view to mitigate its present pressure that Her Majesty's Government had felt themselves compelled to bring forward the present temporary measure; and Government had brought forward this measure, not professing that it was grounded on sound or permanent principles, but to accomplish, by immediate means, an immediate but indispensable object. It was felt by Her Majesty's Government that, whilst this distress must be alleviated, it was only equitable and proper that Irish property should be called on to contribute its fair quota to the relief of those immediately connected with it, before any further demand for such objects could be made on the already heavily taxed and industrious people of this country for the especial relief of Irish distress. They had, therefore, endeavoured, by the measures now recommended to their Lordships' adoption, to make such property in Ireland as could pay, contribute its fair proportion to the mitigation of Irish destitution. A noble Friend of his, on the benches behind him, had submitted to the House his views of the principles upon which a poor-law for Ireland should be founded, and of the machinery by which it should be carried into effect. No doubt there was much of truth—much of the soundest reasoning—in the remarks of his noble Friend; but he (the Marquess of Clanricarde) might be pardoned for remarking that the observations in question were not very applicable to the Bill now before their Lordships. That noble Lord remarked that long experience had convinced him that the only channel which could be opened, as one capable of giving to the misery of Ireland relief on a large scale, was extensive emigration. He really thought his noble Friend could hardly have possessed himself of the statistics of all that had been done of late years in this channel of emigration. He was, himself, a decided friend to emigration, as one of the measures best calculated for the relief of Ireland; and he had had practical experience in the business of conducting the emigration of Irish labourers—in administering property wherein he was personally interested. He knew no money so well expended upon Irish property—so well and profitably—as upon emigration. A steady well-conducted emigration was an excellent thing; but under the present circumstances of the country, to attempt any thing like a deportation of the people to another land would be an undertaking which no people would endure, or any Government undertake. To what land were they to be deported? Where were they to be placed? In what manner were they to be deported? Besides, what was the emigration going on at this moment? At no period had emigration been so great from Ireland, at that season of the year, as in the first four months of 1847, when the number of emigrants, from the different ports, was 90,740. That was quite unprecedented. [A Noble Lord: From Ireland?] No, from the different ports. In the first four months of 1848 the numbers were only 74,929. Their Lordships would observe that these were not the number of emigrants during the whole of these years, but only during the first four months of them; and they would probably be surprised to learn that emigration had been raised during the first four months of the present year—1849—to 104,701. Looking to those large numbers, it could not be doubted that emigration was going on

steadily, and that there had been no impediment, no obstacle, opposed to the course of emigration from Ireland. But to ask Parliament for a large sum in order to deport the people from this country, would be one of the most unprecedented and irrational courses ever attempted by any Government. The relief commissioners and emigration officers state, that at least four-fifths of the emigration he had named went from the south and west coast of Ireland. The noble Marquess then quoted an extract from the report of the commissioners appointed at New York to inquire into immigration. From that document it appeared that a great number of the English and Scotch emigrants brought out with them considerable sums of money, whereas the majority of the Irish brought out with them little beyond the ability to work, and frequently required to be supported after being located by the public money in order to sustain existence. The noble Earl said that this state of things could not last. Of course it could not, for the people were on the verge of starvation; and, therefore, it was he said, if they did not pass this Bill the people would be starved. He believed if they did not pass it, that 10,000 men would be starved next week. He knew of no other mode of relief; and let them not reject this Bill unless they would provide some other means. He had already stated that nothing was more objectionable than a rate in aid. He declared now that this, as a permanent measure, would be most objectionable, and that it was founded on a principle that it was utterly wrong to establish for a system of poor relief. But that argument applied to all extraordinary and provisional legislation. If this rate in aid were granted, no money would be given except to unions where the poor-law was administered by paid guardians and officers under the control of the Government; and the closest supervision would be exercised over the disbursements. He had not touched much upon the question of the general poor-law, for the measure in hand was simply an exceptional one. He had now only to repeat, that it depended upon their Lordships whether the Government of the country should have the legal power to relieve thousands from starvation; and he confidently relied upon their Lordships' decision.

Earl FITZWILLIAM said, that when the noble Earl who had moved the Amendment had sketched the deplorable condition of Ireland, he (Earl Fitzwilliam) had hoped that nothing remained to be added to the horrors depicted in that statement. But the speech of the noble Marquess had unhappily succeeded in adding to its terrors by additional details that presented a most appalling spectacle indeed of wide-spread misery and accumulating distress. He could not help calling their Lordships' attention to the position in which they were placed. Here they were on the 11th of May, and his noble Friend who had just sat down threatened them — [*Much cheering.*] He might employ that term which had been so much animadverted upon the other night, and say that the independence of their Lordships' House had been in some degree "menaced" by the expression of his noble Friend, that their Lordships would have upon their heads the blood of thousands of their fellow-countrymen if they did not pass this Bill. He was himself in Ireland when the failure of the potato crop took place; and yet, although the Government were well aware of those scenes of destitution which had appalled Europe and the world, and knew what difficulties were before them, they had not suffered their Lordships to have the opportunity of debating this question till within one fortnight of the time when the lives of thousands would be in jeopardy. If this measure, now introduced as a temporary but indispensable measure of present relief, was really calculated to produce the effects anticipated from it, why had it not been brought in in October last? Her Majesty's Government not having given their Lordships an opportunity of expressing their opinion upon this measure till, as his noble Friend the Postmaster General informed them, within a fortnight of the period when the lives of thousands of the people of Ireland were placed in jeopardy, he was sorry to be obliged to come to the conclusion that they had not performed their duty to that House as they ought to have done. He would not, however, be deterred by any threat of that kind from doing what he believed to be his duty to the people of Ireland by voting for the Amendment of his noble Friend who moved the postponement of the measure. He entirely agreed with those who did not think the measure either just or adequate. The sum which it was estimated would be raised under the Bill was about 326,000*l.* But this estimate was made upon fallacious data, for it was formed upon the valuation which existed previous to the failure of

the last three years. But did any one really believe that the immense mass of persons who had to be relieved in Ireland could be relieved under 500,000*l.* at least? The funds proposed to be raised under the Bill, even if realised—which he did not think would be the case—would not be adequate to meet the emergency. But a greater objection than the inadequacy of the measure was its injustice. He had been anxious, he had been curious, to find any person in this country who approved of it. He could not find one. He doubted very much whether any of his noble Friends who proposed it would say that it was a just measure. His noble Friend who had just sat down had said everything with regard to it, except that it was just. Why was it unjust? There were about 2,500 electoral divisions in Ireland. These electoral divisions had done everything they could to maintain the paupers which they contained. Having performed this duty, on what principle of justice should the electoral division of Antrim or Wexford be taxed over again to supply the deficiency of Galway or Mayo? They might with as much justice call upon the parishes of Kent or Northumberland to supply the deficiency. It was equally just in the one case as the other. Ireland was no longer a financial community. She contributed her share to the imperial treasury. Persons supposed that Ireland was very lightly taxed because she did not pay assessed taxes or an income tax. That was a great mistake. Ireland was not lightly taxed; but supposing that the fact was so, why was she lightly taxed? Ireland was highly taxed, as every person who had the misfortune of being old enough must know, because the revenue of Ireland broke down some 30 years ago. Why did her revenue break down? Why, from that cause which broke down all revenues —that was to say, the taxation of Ireland was too high. It was the custom to say that Ireland did not contribute her share to the general exigencies of the State. The fact was, that during the war, Ireland contributed more than her share in every respect. She contributed more men in proportion to her population, and more taxation in proportion to her resources. Did noble Lords know how much was the taxation on an Irish jaunting car during the war? It was no less than 6*l.* 10*s.*, though the original cost of such a vehicle might not be more than 3*l.* The taxation of Ireland was more than she could bear, and she broke down under it as a natural consequence. They had no right, then, to plead the low taxation of Ireland in justification of this measure, and yet it was the only justification alleged. On what plea could they tax the electoral divisions of Antrim or Wexford, and not tax the parishes of England? Did they mean to repeal the Union? Did they mean to say that Ireland was a nation? Did they mean that the edict of the Hungarian Diet should be copied, by which they separated themselves from Austria? Did they intend that the proclamation of M. Kossuth should be copied and repeated in Dublin, and that Ireland should exist as a nation, separated from the British empire? He could not believe that such was the intention of the Government; but he begged to tell them that such was the legitimate consequence of the mode in which they were proceeding. Her Majesty's Government told them —it threatened them, it menaced them— that if they did not pass the measure they would have the lives of thousands to answer for. He did not believe that the noble colleagues of his noble friends in the other House of Parliament were such craven Ministers as not to issue 100,000*l.* for the safety of men's lives in the province of Connaught, under the paltry pretence that they would be impeached. If they were such cowards, he would defend them against their own accusation. Surely they would not talk such constitutional twaddle as to say that they could not do so. He had more confidence in their courage than they had themselves. Sometimes people affected to have courage which they had not; but his noble friends affected to have fears which they had not. He had, however, no faith in their fears upon this subject, and their Lordships might depend upon it that even if this Bill were thrown out, the 100,000*l.* would still find its way to the people of Connaught, in some way or other. He, for one, would not entertain a worse opinion of his noble friends on that account, nor would he pay so bad a compliment to the House of Commons, as to believe that it contained any one man who would propose to attack them for their conduct in that respect. He believed that if the House of Commons had the whole case put before them fairly and openly in the first instance, they would have voted a much larger sum than the 50,000*l.* which the Government had asked of them, as easily as they had voted the smaller sum. He had said that this mea-

steadily, and that there had been no impediment, no obstacle, opposed to the course of emigration from Ireland. But to ask Parliament for a large sum in order to deport the people from this country, would be one of the most unprecedented and irrational courses ever attempted by any Government. The relief commissioners and emigration officers state, that at least four-fifths of the emigration he had named went from the south and west coast of Ireland. The noble Marquess then quoted an extract from the report of the commissioners appointed at New York to inquire into immigration. From that document it appeared that a great number of the English and Scotch emigrants brought out with them considerable sums of money, whereas the majority of the Irish brought out with them little beyond the ability to work, and frequently required to be supported after being located by the public money in order to sustain existence. The noble Earl said that this state of things could not last. Of course it could not, for the people were on the verge of starvation; and, therefore, it was he said, if they did not pass this Bill the people would be starved. He believed if they did not pass it, that 10,000 men would be starved next week. He knew of no other mode of relief; and let them not reject this Bill unless they would provide some other means. He had already stated that nothing was more objectionable than a rate in aid. He declared now that this, as a permanent measure, would be most objectionable, and that it was founded on a principle that it was utterly wrong to establish for a system of poor relief. But that argument applied to all extraordinary and provisional legislation. If this rate in aid were granted, no money would be given except to unions where the poor-law was administered by paid guardians and officers under the control of the Government; and the closest supervision would be exercised over the disbursements. He had not touched much upon the question of the general poor-law, for the measure in hand was simply an exceptional one. He had now only to repeat, that it depended upon their Lordships whether the Government of the country should have the legal power to relieve thousands from starvation; and he confidently relied upon their Lordships' decision.

Earl FITZWILLIAM said, that when the noble Earl who had moved the Amendment had sketched the deplorable condition of Ireland, he (Earl Fitzwilliam) had hoped that nothing remained to be added to the horrors depicted in that statement. But the speech of the noble Marquess had unhappily succeeded in adding to its terrors by additional details that presented a most appalling spectacle indeed of wide-spread misery and accumulating distress. He could not help calling their Lordships' attention to the position in which they were placed. Here they were on the 11th of May, and his noble Friend who had just sat down threatened them — [*Much cheering.*] He might employ that term which had been so much animadverted upon the other night, and say that the independence of their Lordships' House had been in some degree "menaced" by the expression of his noble Friend, that their Lordships would have upon their heads the blood of thousands of their fellow-countrymen if they did not pass this Bill. He was himself in Ireland when the failure of the potato crop took place; and yet, although the Government were well aware of those scenes of destitution which had appalled Europe and the world, and knew what difficulties were before them, they had not suffered their Lordships to have the opportunity of debating this question till within one fortnight of the time when the lives of thousands would be in jeopardy. If this measure, now introduced as a temporary but indispensable measure of present relief, was really calculated to produce the effects anticipated from it, why had it not been brought in in October last? Her Majesty's Government not having given their Lordships an opportunity of expressing their opinion upon this measure till, as his noble Friend the Postmaster General informed them, within a fortnight of the period when the lives of thousands of the people of Ireland were placed in jeopardy, he was sorry to be obliged to come to the conclusion that they had not performed their duty to that House as they ought to have done. He would not, however, be deterred by any threat of that kind from doing what he believed to be his duty to the people of Ireland by voting for the Amendment of his noble Friend who moved the postponement of the measure. He entirely agreed with those who did not think the measure either just or adequate. The sum which it was estimated would be raised under the Bill was about 326,000*l.* But this estimate was made upon fallacious data, for it was formed upon the valuation which existed previous to the failure of

the last three years. But did any one really believe that the immense mass of persons who had to be relieved in Ireland could be relieved under 500,000*l.* at least? The funds proposed to be raised under the Bill, even if realised—which he did not think would be the case—would not be adequate to meet the emergency. But a greater objection than the inadequacy of the measure was its injustice. He had been anxious, he had been curious, to find any person in this country who approved of it. He could not find one. He doubted very much whether any of his noble Friends who proposed it would say that it was a just measure. His noble Friend who had just sat down had said everything with regard to it, except that it was just. Why was it unjust? There were about 2,500 electoral divisions in Ireland. These electoral divisions had done everything they could to maintain the paupers which they contained. Having performed this duty, on what principle of justice should the electoral division of Antrim or Wexford be taxed over again to supply the deficiency of Galway or Mayo? They might with as much justice call upon the parishes of Kent or Northumberland to supply the deficiency. It was equally just in the one case as the other. Ireland was no longer a financial community. She contributed her share to the imperial treasury. Persons supposed that Ireland was very lightly taxed because she did not pay assessed taxes or an income tax. That was a great mistake. Ireland was not lightly taxed; but supposing that the fact was so, why was she lightly taxed? Ireland was highly taxed, as every person who had the misfortune of being old enough must know, because the revenue of Ireland broke down some 30 years ago. Why did her revenue break down? Why, from that cause which broke down all revenues —that was to say, the taxation of Ireland was too high. It was the custom to say that Ireland did not contribute her share to the general exigencies of the State. The fact was, that during the war, Ireland contributed more than her share in every respect. She contributed more men in proportion to her population, and more taxation in proportion to her resources. Did noble Lords know how much was the taxation on an Irish jaunting car during the war? It was no less than 6*l.* 10*s.*, though the original cost of such a vehicle might not be more than 3*l.* The taxation of Ireland was more than she could bear, and she broke down under it as a natural consequence. They had no right, then, to plead the low taxation of Ireland in justification of this measure, and yet it was the only justification alleged. On what plea could they tax the electoral divisions of Antrim or Wexford, and not tax the parishes of England? Did they mean to repeal the Union? Did they mean to say that Ireland was a nation? Did they mean that the edict of the Hungarian Diet should be copied, by which they separated themselves from Austria? Did they intend that the proclamation of M. Kossuth should be copied and repeated in Dublin, and that Ireland should exist as a nation, separated from the British empire? He could not believe that such was the intention of the Government; but he begged to tell them that such was the legitimate consequence of the mode in which they were proceeding. Her Majesty's Government told them —it threatened them, it menaced them— that if they did not pass the measure they would have the lives of thousands to answer for. He did not believe that the noble colleagues of his noble friends in the other House of Parliament were such craven Ministers as not to issue 100,000*l.* for the safety of men's lives in the province of Connaught, under the paltry pretence that they would be impeached. If they were such cowards, he would defend them against their own accusation. Surely they would not talk such constitutional twaddle as to say that they could not do so. He had more confidence in their courage than they had themselves. Sometimes people affected to have courage which they had not; but his noble friends affected to have fears which they had not. He had, however, no faith in their fears upon this subject, and their Lordships might depend upon it that even if this Bill were thrown out, the 100,000*l.* would still find its way to the people of Connaught, in some way or other. He, for one, would not entertain a worse opinion of his noble friends on that account, nor would he pay so bad a compliment to the House of Commons, as to believe that it contained any one man who would propose to attack them for their conduct in that respect. He believed that if the House of Commons had the whole case put before them fairly and openly in the first instance, they would have voted a much larger sum than the 50,000*l.* which the Government had asked of them, as easily as they had voted the smaller sum. He had said that this mea-

sure was inadequate and unjust; but the greatest objection that he had against it was, that it had nothing about it of what he should call an executory principle. One of the great arts of the science of legislation, was to make laws execute themselves —that is to say, that they should be framed in such a manner that the different parts should ensure the execution one of another. Now this Bill contained no executory principle, because it did not invest any party with either an interest or with the power to see that it was properly executed. The unions of Ulster which were to be taxed for the deficiency of Connaught had no control whatever over the administration of the funds—the unions of Antrim or Wexford would have no means whatever of checking the extravagance or diminishing the pauperism of Clare or Roscommon. For this reason he would prefer to see the income tax imposed in Ireland. He believed that Ireland bore her fair share of taxation; but as that was not the opinion in England, he should so far defer to that opinion as to consent to the imposition of the income tax in Ireland, because he considered that the man who possessed 150*l.* or 1,000*l.* a year in Ireland was as fit a subject for taxation as the person in this country who possessed the same amount. But then he should propose that the distress in Ireland should be relieved, in the first instance, out of the proceeds of the income tax, and the surplus should be paid into the imperial exchequer, which would hold out a strong inducement to the Chancellor of the Exchequer to see that the funds for the relief of the poor were economically administered. This was a point of importance not merely to Ireland, but to England also, because he was sure that the people of this country would soon understand what they now were beginning to feel, namely, that the calamity which befel Ireland was no passing summer shower, but a storm of a much more extensive and enduring character, affecting all parts of the empire. The number of Irish paupers driven over to this country by distress, interfered very materially with the prospects of the English labourer, whose cause he would then plead, and than whom no person had a stronger claim upon the sympathies of the Legislature. He had a proof of that in the union of which he was the chairman, where, in the course of three weeks, not fewer than seventy Irish vagrants passed through the workhouse. This was one of the reasons why he desired to see this country adopt different measures than it had hitherto done to uproot pauperism in Ireland; for this reason, also, he felt that he was pleading the cause of the English labourer in recommending the Legislature to adopt a different line of policy towards Ireland. Their Lordships had a great task to perform towards that country—one which they had as yet scarcely begun to undertake, but certainly not performed, because, at the present moment, Ireland was more distressed than she ever had been; her condition was far more threatening to the finances, aye, and far more threatening to the political relations between the two countries, than it ever had been. This country supposed that because there was a good crop of potatoes in 1847, there was an end of the distress; but that was a great mistake. The failure of 1848 aggravated the difficulties of Ireland, and there was more real distress in that country at the present moment than in May, 1847, because the resources of the middle and higher classes were much more reduced now, after three years of distress, than in 1847. It was true they did not hear so much of that distress now as they did in 1847; a famine was then something new, but now its novelty had worn off. Neither the country nor the Parliament was then callous to the distress of Ireland. But he regretted to say that the feeling seemed altered now. He trusted for himself that he was not included in the category of those to whom that excellent officer (Mr. Twisleton) spoke in the following language—language which it was impossible to read without humiliation and pain, and which he would not venture to quote if he did not find it in a public document. Mr. Twisleton was asked the following question by Mr. Cornewall Lewis:—

"Have you heard this opinion expressed, that it is desirable to allow things to take their natural course; not to assist the people in their sufferings, but to permit disease and want to go to their natural termination; and is that an opinion in which you concur?"

Mr. Twisleton answered—

"No. I have heard that opinion stated either explicitly or implicitly; I think it is one of the greatest misfortunes that that opinion should gain ground or be maintained. It is particularly unfortunate that it should be so, because it has what you may call a philosophical colour, and many individuals, even of superior minds, who seemed to have steeled their hearts to the sufferings of the people of Ireland, justify it to themselves by thinking it would be going contrary to the provision of nature to render assistance to the destitute of that country."

He would fain hope that there was no foundation for that opinion, but he could not believe that a man of Mr. Twisleton's high honour would give circulation to an opinion before a Committee of Parliament which he was not justified in forming from conversations and other modes of coming to such a conclusion. It was most unfortunate that such an opinion should be entertained. He thought it unfortunate that the question should have have been asked, and that it should have given occasion to such a reply. He would, however, defend the Government from their own admissions. He did not think they ran any such risks as they contemplated, and it was because he did not consider that one more human being in Ireland would be subjected to the risk of starvation or want in Ireland by the rejection of the present Bill, that he would vote for the Amendment of the noble Earl opposite.

The EARL of ST. GERMANS said, that having attended the Committees on the Irish poor-law, and paid a great deal of attention to the subject, he was free to admit that the opinion he had formed of this particular measure did not differ widely from the opinion expressed in the report of the Committee of their Lordships' House; and he therefore regretted that he had not withdrawn this measure, and substituted for it one founded on that report. That, however, was not now the question before the House: the question was whether or not they should support the present measure. What were the circumstances under which they were called upon to pass this measure? It appeared that in some twenty or thirty unions of Ireland, the most appalling distress prevailed, and that disease and famine were making the most awful inroads upon the population; the resources of these districts were exhausted, and extraneous assistance was required; but the people of this country declared, through their representatives, that they could not make any further grants in aid of Irish distress. He knew that they had made great exertions for the relief of Irish distress, and he could not forget the large sums of money which they had expended for the relief of the suffering people of Ireland; but he could not admit that the sums which had from time to time been advanced fully acquitted this country of its responsibility to Ireland—he could not forget that for a long period of time Ireland had formed an integral part of the British empire. It was a wise policy in England, suffering as she was herself at the present moment, to succour Ireland in her existing and greater need. It was absolutely necessary, if they would rescue Ireland from famine, and her people from starvation, to devise immediate means of relief; and, partial and inadequate as the present measure was, it would still do something. In about three months the 50,000*l.* voted by Parliament would be expended, and there was no reason to expect that a less amount would be required for the next three months. The amount required in all would be from 400,000*l.* to 500,000*l.* to preserve the people in the distressed unions from death by famine, and the produce of this rate in aid was estimated at from 300,000*l.* to 350,000*l.* He saw no alternative save in supporting the present measure, and he did so because Parliament, by adopting this Bill, did enter, in his view of the case, into a contract with the people of Ireland, and gave a pledge, that if the people of Ireland raised the amount estimated as the produce of the rate in aid, the Imperial Parliament would vote whatever sum might be deficient for the relief of the existing distress. Therefore, not approving of the present measure, he would yet not take upon himself the responsibility of giving a negative to the Bill before their Lordships.

LORD MONTEAGLE: My Lords, before I proceed to consider the enactments of the present Bill, I must take the liberty of calling your attention to some characteristics which distinguish it from any measure of similar importance which, in my recollection, has been introduced into Parliament. I ask your Lordships who have listened to the debate, and I ask you fearlessly, what authority has been cited in its justification, and what Peer has ventured to undertake its defence? The impressive, elaborate, and finished oration of my noble Friend, the mover (the Earl of Carlisle), was a practical condemnation of his own proposition. He stood self-refuted. He reminded me of a classical actor who when preparing for the stage, and proposing to equip himself in the Grecian robe or the Roman toga, should feel, to his dismay, that his graceful form was encumbered with the poisoned shirt of Nessus. From that garment my noble Friend will never be able to disengage himself; and if the present Ministers have any enemies, the most malignant among them could not desire a more severe punishment than to see them cursed with success on the

present occasion. No advocate has had courage enough to venture on their defence. Never was a Ministerial measure so utterly left without supporters. It should be remembered, too, that this question is not an immaterial one, or brought accidentally under discussion. Announced in the Queen's Speech, it has been submitted to the consideration of Committees of both Houses at the suggestion of the Government itself. The Members of those Committees have been selected by the Ministry. Evidence has been taken, and opinions formed. In both Houses a majority of the Committees are decidedly adverse to the measure, which nevertheless the House is now required, rather than invited, to pass. In an early stage of the discussion, the Secretary of State for the Colonies expressed his wish that the Peers by whose votes reports were carried in Committee, might be as publicly made known to the world in this as in the other House of Parliament. I join in that wish: and as far as our report is concerned, which so unequivocally condemns the principle of a rate in aid, I feel that there can be no impropriety in stating the exact truth respecting our division, and the names of the individuals who voted. Against the rate in aid, fourteen Peers voted, English as well as Irish. For the proposition, there were given the votes of six Peers only; and who, let me ask you, composed the six? The President of the Council (Lord Lansdowne), the Colonial Secretary (Lord Grey), the Privy Seal (Lord Minto), the Postmaster General (Lord Clanricarde), the First Commissioner of Woods and Forests (Lord Carlisle), and the Master of the Buck Hounds (Lord Besborough). Against the independent votes of fourteen Peers of every party, there appeared but five Cabinet Ministers, the framers of the measure, supported by one Member of the Household. The weight of evidence was still more preponderating. I will not fatigue your Lordships, at this hour of the night, with quoting or even referring to the blue books which are before me. However the witnesses might differ on other points, all condemned the proposal of a rate in aid. Inspectors, assistant commissioners, and guardians —every public officer called, united in this sentence. Their evidence was all one way; they were all opposed to this fatal measure. If the small official majority of Peers I have named, or any one among them, can refer us to a single sentence of approval which had fallen from the lips of any one witness, I entreat them to refer your Lordships to what might be some excuse for the vote they have given; and some palliation for the vote they were about to repeat. But men's acts are even more convincing than their words. I therefore refer your Lordships, as the most conclusive confirmation of these facts, not to the evidence only, but to the conduct of Mr. Twisleton, the late Chief Poor Law Commissioner in Ireland. No sooner did that gentleman find that there was a probability of the passing of the present Bill, and that he should become responsible for the administration of a measure which, in his conscience, he condemned as dangerous and pernicious—than, with a spirit and an independence which did him the highest honour, he resigned his situation at once, in total disregard of all private interest. I can confidently speak for my countrymen, that by this one act Mr. Twisleton has secured for ever the esteem and gratitude of a people for whose benefit he had so long laboured. They will never forget the noble sacrifice he has made—they ought not.

I am also entitled to refer to the petitions which have been presented from Ireland, and which, with scarcely an exception, pray that this unfortunate measure should not be permitted to pass into a law. Counties, cities, and towns; sheriffs, magistrates, and boards of guardians, have addressed you with an unprecedented unanimity. I believe that on no one occasion, except perhaps where agitation has excited popular feeling, have so many Irish petitions been presented. Armagh, Antrim, Belfast, Cavan, Carlow, Donegal, the metropolitan county of Dublin, Fermanagh, Galway, Kildare, Limerick, Longford, Louth, Londonderry, Meath, Mayo, Queen's County, Roscommon, Sligo, Tipperary, Tyrone, have all petitioned—the probable receivers, who are many, as well as the payers of the rate, who may be but few. If the evidence of petitions is objected to, I can refer to what must constitutionally be admitted as decisive—I mean the votes of the Irish Members. I find that out of the 105 representatives of Ireland, 81 have marked their disapproval of this Bill—Whigs, Tories, Repealers, Roman Catholics and Protestants. Not more than 15 Irish Members of the House of Commons untrammelled by office have voted in its favour. Would the Irish

people believe—ought they indeed to believe—that justice is done them, if your Lordships pass this measure, condemned not only by your Committees and by every witness examined, but by so overwhelming a number of the Irish Members? Taxation without representation has been called tyranny; but taxation against representation is still more intolerable. On this subject England has been herself peculiarly sensitive. When, in a state of equal balance of parties, the scale has been occasionally turned by the votes of the Irish Members—how loud have been the complaints, how angry the denunciations!—and that, too, in cases where the question was a general one, and where the two islands were equally concerned. How then are we to justify, or even to account for, a decision on a purely Irish case, pronounced by a British despotic majority, against evidence, against the petitions of the Irish people, and against the votes of the Irish representatives? Let me ask you, my Lords, if, in the memorable debates which preceded the Union, Mr. Grattan on the one side of the House, and Mr. Foster on the other, had warned their countrymen not to resign their independence, lest their voices might hereafter be overpowered on questions in which their local interests were exclusively involved, by the unreasoning and imperfectly informed votes of British Members; would not Lord Castlereagh and his friends have treated this supposition with scorn, as a suggestion made contrary to all probability, and with a view to excite alarm and prejudice? Yet what would have been most reasonably considered as an impossibility in 1800, has become a formidable reality in 1849!

My Lords, no man, either in your Lordships' House or elsewhere, has been more attached to the Union than I have been. No one has been more ready at all risks and sacrifices to fight that battle out against all odds, and against all opponents. But I pray your Lordships to furnish me with an answer to the arguments which I well know will be, and must be, raised should this Bill pass into a law under the circumstances I have described. I know not where such argument is to be sought; I despair of finding it.

My noble Friend the Postmaster General (Lord Clanricarde) has stated that he considered the adequacy or inadequacy of the funds raised under this Bill to be a matter wholly immaterial. A more extraordinary or unintelligible proposition I have never yet heard. Surely it might as justly be said that the adequacy or inadequacy of the food to be provided for hungry men was immaterial, as that the amount of the money that was to be levied for the purchase of that food was unimportant. It is the essential point: my noble Friend has seemed to hint that, if Ireland performs its part in bearing the burden of this Bill, Parliament may be expected to supply any deficiency: is this his meaning? If it is, why is it not clearly expressed and so explained, more especially in that place where money votes must originate? Are we to be asked for our support in the House of Lords on the suggestion that supplemental funds may be provided by Parliament; and is the House of Commons to be induced to pass the Bill on the ground that Parliamentary funds will be unnecessary, as this Act will extract from Ireland a sum sufficient to meet Irish distress? Is this conduct quite ingenuous? But, above all, does it afford us any real security? My Lords, we read in classical mythology of those sacred gardens where the trees bear fruits of gold, but where the entrance is watched by some ever-waking guardian. Does my noble Friend think that by casting this Bill like a honey cake before the economical dragon, the Government will be able to command a portion of the treasure hereafter? I doubt it. I feel, however, confident of the wise generosity of the House of Commons, if a case is only made out, and a measure proposed, to justify that generosity. The Government have defended this miserable Bill, by stating the unwillingness manifested in the House of Commons to grant 50,000*l.*, and the declaration made in that House that no more would be granted. My Lords, I respectfully differ both from the statement of fact and the inference. God forbid that the House of Commons should ever be careless or indifferent to a grant of public money—whether of 50,000*l.*, or of a lesser sum! But I believe that the objection lay rather to the appropriation, than to the amount. It may be unpardonable extravagance to waste 50,000*l.*, without producing any permanent good; and it may be a wise economy to expend ten times that amount for a noble and definite purpose. I doubt whether there is any conceivable amount which Parliament might be asked to grant, which would not be cheerfully given, provided the responsible Ministers could but

prove that such expenditure would raise Ireland from her present misery, and render her a source of prosperity to the empire at large. But if the hopes held out by my noble Friend the Postmaster General really mean that further advances will be made, and that Ireland may be enabled to run in debt still further, and that we are to do this well knowing that such debt cannot be repaid, I must be forgiven if I decline to sanction by my vote a step ending in disappointment, and enabling new and unjust complaints to be raised against the good faith and honesty of my country. I see that by the Bill an advance of 100,000*l.* is sanctioned and authorised. My Lords, you will be greatly disappointed if you expect that sum to be repaid. As you propose to expend it on a false principle, so you are about to advance it on a false security. I give you this public notice of what you have to expect, and I at least will thus protect myself from any possible imputation of bad faith hereafter. I tell you not to trust to this miserable rate in aid, but to pass fitting measures, and to look the calamities of Ireland fairly in the face. Lift up your thoughts to the magnitude of the evil, and to the magnitude of the danger which lies before you, and be ready to meet it like men.

But we have been told, as some weeks back in the Committee I ventured to predict, that the people are starving, that we cannot amend this Bill, and that to reject it is to pronounce sentence of death on thousands. My Lords, I shall not weaken the force of the argument of a noble Friend (Lord Fitzwilliam) who has preceded me. If his statement be correct, who is truly responsible? Not we, who are now called on in the middle of May to discuss this question, but they who so long delayed proposing measures of relief. Why were we not called together in November, when we might have acted and deliberated more freely? But, again, even if the statement be true, it only proves that the Government are once more prepared to make another sacrifice, and that the worst of all sacrifices, the sacrifice of principle, on the altar of the most stern and implacable of all divinities—Necessity, real or imaginary. I believe the argument to be alike unfair and disingenuous. It is not out of funds provided under this Bill, that the Treasury pittances are now doled not. They are advanced from civil contingencies. The same system might be pursued if the present Bill were either rejected or withdrawn so as to enable the Government to introduce a better. I stop not to ask what Bill. Any change must be an improvement. If I am asked, as I have been for my alternative—if I am pressed by the question *quid melius?* my answer is ready, and I ask in return *quid pejus?*

I am sorry that this argument of necessity should have swayed the mind and will influence the vote of my noble Friend (the Earl of St. Germans) who spoke last. He was at the same time too candid and too intelligent not to condemn the Bill. Let me point out to him the danger of admitting the false principle to which he is reluctantly disposed to yield. It amounts to an admission that he is bound, as a legislator, to adopt any measure submitted to him, however objectionable, if it is suggested that the alternative of rejecting it is the suffering of the people. This proves too much, and would deprive him of the use of his own clear understanding. Let me suppose that the Irish Parliament were now existing, and the Union repealed. Let me further assume the existence of a scarcity of food like the present. Suppose an Irish House of Commons, acting under democratic influence, to send up a Bill to the Irish House of Lords, proposing to meet this calamity by a confiscation of the estates of all absentees and of all English mortgagees. What would my noble Friend think of a Minister who should say in that House of Lords, "Pass this Bill, it is only seizing the estates of the Duke of A, or the Marquess of B, whom you never see, and whom you care nothing about; pass this Bill, or make yourself responsible for the deaths of millions." Or suppose, my Lords, that the Reform Act had produced the disastrous consequences some of its opponents predicted. Suppose a desolating famine or want of employment to afflict your mining or manufacturing districts. Assume that, as a mode of removing this calamity, a Bill was sent up to the Lords empowering the Government to seize and sell the 3,000,000*l.* rental of the Church; should you think it just to be called on to commit an act of undisguised spoliation, or as an alternative to be held up to odium as the murderers of your fellow-countrymen? You would resist the argument as an indignity; and would reject the measure as a wrong.

I must now take leave to call your Lordships' attention to the estimate on your table which the Government have produced

to justify their proposal, and to show the amount which, as they anticipate, may be collected under this Bill. My Lords, I may, without presumption, claim some practical knowledge of such documents. When I knew the estimate was printed, I opened the paper with curiosity. Your Lordships will remember the oriental fable which describes the cat who had been changed into a beautiful princess, but who in her metamorphosis still retained so much of her feline nature, that on her bridal night, and even at the moment of the most earnest tenderness, she escaped from her husband's arms to pursue a mouse that had come within her reach. It is in the same way that a transformed Chancellor of the Exchequer like myself may be supposed to be attracted by his love for a revenue estimate. But I must confess that an estimate like the present I have never seen, nor could I have ever anticipated. In the annals of Parliament, I venture to say, there is not one to be found so uncandid, so indefensible, and so delusive. It is formed to mislead. The principle on which it is framed has indeed the merit of being simple, though not very truthful. It merely sets forth the full valuation of the four provinces of Ireland, amounting to 13,076,299*l.*; it calculates a $2\frac{1}{2}$ per cent poundage on that amount, and thus infers 326,907*l.* as the future produce of the rate in aid. Now this mode of proceeding involves two monstrous and patent fallacies, either of which would be sufficient to lead your Lordships to conclusions wholly deceptive. It has been given in evidence, that so far is this rental (made as it was before the potato failure) from being applicable to the present time, that in certain districts it exceeds the real value by one third or one fourth. Next, the Government estimate includes the whole of the bankrupt unions of the west and south, from which no rate in aid can by possibility be collected. It would be manifestly absurd that the same districts should receive a rate in aid, and should contribute towards it. Therefore to receive 326,000*l.* from the rate in aid is impossible, and in proportion as the tax is reduced in amount, it must cease to be a security for the Treasury advances.

I must also object to the unconstitutional power of raising as well as of appropriating the funds which it is proposed to levy. I fearlessly ask the Peers of the United Kingdom, well acquainted as they are with the spirit of independence, as well as the strict obligations of responsibility, which govern the institutions of this country, whether England would for one moment tolerate a system which vested in public officers named by the Crown, or by Commissioners, themselves the nominees of the Crown, an unrestrained power of taxation? This Bill goes still further, and an additional tax of $2\frac{1}{2}$ per cent on all rateable property being imposed, the unfettered and unrestrained expenditure of this sum is left to the Commissioners, who may refuse one application, and may grant another, without assigning any reason, other than their own will and pleasure. A new Commissioner appointed hereafter to fill up Mr. Twisleton's vacancy, and not being quite so conscientious as his predecessor, would thus have an unlimited power of granting or of refusing relief at his pleasure, and subject to no responsibility whatever to the ratepayers. Nor is this all. I presume that no one is desirous to compel the unpaid guardians of the poor to withdraw from their most laborious and painful duties, where those duties are well performed. Yet this Bill must have that operation. Wherever assistance from a rate in aid is required, it is made imperative to appoint vice-guardians, under whose control the whole administration of relief will be brought. What will be the consequence of this in cases where the unions are still maintaining a manly struggle against pauperism? Take, as an example, the unions of Ballinasloe and of Parsonstown, where, under the advice and direction of two noble friends of mine, now present, the evils of outdoor relief to the ablebodied have been hitherto averted. Let them not rely too much on their fortunate exemption from evil. They cannot expect that their districts, like Gideon's fleece, shall continue unwatered by the rains of heaven. And when the moment of trial comes, for which this Bill proposes to make a provision, however delusive and inadequate, whenever assistance is sought for, we shall be required as a condition precedent to obtaining it, to substitute for the Earls of Rosse and Clancarty some inexperienced stripling, taken, rather than selected, in the lottery of patronage, where the blanks are more numerous than the prizes.

But I shall now proceed to demonstrate to your Lordships, that even assuming the principle of the Bill to be sound—assuming too that it is sanctioned by English experience and authority, and that it comes recommended by the Parliamentary Commit-

tees—that it is supported by the testimony of impartial witnesses—that it is petitioned for by the people of Ireland, and recommended by the votes of the Irish Members—it is still our duty to reject this Bill as being illusory and deceptive, leading to disappointment, and therefore to danger, and unworthy of being passed into a law. We have had before us since the month of February, accounts showing the state of eight distressed unions in the west. The statistics of this exhausted and bankrupt district is as follows :—

Population	540,000
Expense of maintenance of poor for 12 months to 29th September, 1848	£219,000
Amount of rates collected in the same 12 months	£46,000
Amount contributed by the Government and British Associations	£157,000

In addition to this, the support of thousands of children in the district has been defrayed out of charitable funds; and there was also the unexampled beneficence of the Society of Friends. Add these extra funds together, which no longer exist, and believing as I do that the pressure in the present year will be still greater than in the last, and the resources of the district less, my conviction is, that these eight unions will exhaust the whole amount that can possibly be collected under the rate in aid. If noble Lords controvert this reasoning, I ask them to accompany me one step further. I ask them to extend their views from 8 to 21 unions in the west and south—21 unions it should be remembered out of 130. The debt on these unions has augmented in a single year from 84,000*l.* to 123,000*l.*, or 50 per cent; the rate collected was but 199,000*l.* to meet a current expenditure (without including debt), of 468,101*l.*; the aid granted by the Government and the British Association was 237,000*l.*, and this without including, as I have already stated, either the maintenance of the children, or the paupers relieved by the charity of the Quakers. To meet this year's expenditure, and the debt, 592,086*l.* is required. Even assuming that the rates of last year's collection can be realised, there will be a palpable deficiency of more than 400,000*l.*, a sum which will exceed, by more than the double, the whole proceeds of the rate in aid. It is, therefore, impossible to believe that the present measure can meet, indeed it can hardly be expected to mitigate, the present famine. If there exists one danger greater than another, it will be found in exciting the hopes of the people of Ireland that Parliament had provided means for relieving their distress, when followed by the grievous disappointment which the subsequent inadequacy of those means cannot fail to produce. Here, the Bill may be justified as founded on mistake, or on an excusable delusion; in Ireland, it will be considered a downright fraud, and will be treated as such. It will be stated that under colour of giving relief, Parliament were making themselves responsible for protracted suffering, and a more cruel agony.

But in addition to the perils of disappointment, we shall also have to encounter the perils of discontent. Though I have hitherto designedly forborne referring to the blue books, I must yet be permitted on this part of the question, in order to protect myself from misrepresentation, to allude to the evidence of Mr. Gulson and of Mr. E. Senior, two public officers well acquainted with the condition, and the feelings, of the north of Ireland. Mr. Senior states that in the north-eastern districts the poor-law is now admirably administered, "the arrears of rate are considerably under five per cent, being considerably less than in England" (Q. 1606—1638), but that he fears that the imposition of a national rate "will lead at once to a passive resistance to the rate, in some districts, and that a passive resistance may, or may not, lead to an active resistance" (1642). He adds, "that it would be impossible to disentangle the ordinary rate from the national rate in aid, and that all the difficulties of the case would be increased." (See Q. 1643, 1644.) Mr. Gulson's expression is still stronger—he says (Q. 1149), "if I know anything of the people of the North, they would rebel against contributing by any rate in aid towards the poverty of the South." Mr. Twisleton apprehends the resignation or supercession of the ordinary boards of guardians, and the necessary substitution of paid guardians throughout considerable parts of Ulster—these being the districts where the law is now satisfactorily and successfully carried into effect. This fatal Bill, therefore, disorganises the future poor-law administration, causing an irreparable injury to the inhabitants of the best and most industrious parts of Ireland. I entreat your Lordships to believe that this does not arise from a mere selfish desire to escape the mere pecuniary pressure

of the proposed tax. It arises from a repugnance to its principle—from a sense of its injustice—from the fear of its extension and perpetuation. But whilst it is more than doubtful what amount the rate in aid will produce, let us inquire what is the amount of Christian charity which it may suppress? In the last year the inhabitants of Belfast alone, nobly and generously, raised a subscription for the relief of their starving fellow-countrymen amounting to 21,000*l.*—this was cheerfully given. You now propose to impose in the same district a tax of $2\frac{1}{2}$ per cent, which, if paid at all, will be paid grudgingly and in a spirit of discontent, and which is only estimated to produce 4,500*l.* A very intelligent witness, a merchant of Belfast, whom I examined before the Committee this morning, was asked, if a compulsory rate in aid had existed last year, how much of the voluntary 21,000*l.* would have been collected? Mr. Holden made the decisive and animated reply, "Not one farthing of it." In addition to this, it should be remembered that the exercise of this voluntary charity had tended to promote and encourage the Christian feelings of benevolence and good will; whereas I venture to predict, that with this compulsory tax we shall see revived in its most dangerous shape that sectarian rancour and animosity which it has been the desire of all friends of Ireland to banish and to extirpate. The inhabitants of the North, it should be remembered, are a determined as well as an intelligent race. They preserve many of the characteristics of the race from which they sprung. It was, therefore, foreseen by the Government that they might probably decline paying the rate in aid, if it were to be collected separately. What I suppose is considered to be a very ingenious and cunning device has been resorted to to meet this danger. I can hardly attribute this contrivance to statesmen, it seems more closely to resemble the art of a low attorney. It is proposed by the Bill to blend the two rates, and by thus mixing the bitter and the sweet to make the draught palatable. But this will fail. The effect will be to make the collection of the ordinary rate difficult, rather than to render the collection of the rate in aid possible.

I can further demonstrate the inherent injustice of this tax by referring to the existing state of the valuations. To make one uniform poundage just, the valuation should obviously be uniform throughout. But the Irish unions vary their valuation to the extent of 10, 20, 30, and 40 per cent. This is proved on the high authority of Mr. Griffith. The tax will, therefore, vary in the same degree, and where it amounts to but $2\frac{1}{2}$ per cent in some cases, it may exceed double that amount in others. The burden will fall with the heaviest pressure where the valuation is highest, that is, in Ulster and Leinster. Is this just? Will it be endurable?

But is the apprehension of the men of Ulster respecting the future increase of this tax unreasonable? Is it not equally felt by your Lordships and by the whole public? The Ulster men are too shrewd to be hoodwinked, or to believe that the tax will only last for two years, and will not exceed 6*d.* in the pound. What has been the history of the property tax in this country? Alas! no lover's promises are half so fragile as Ministerial and Parliamentary pledges, limiting the duration of taxes! My noble Friend the President of the Council (Lord Lansdowne) condemned outdoor relief in 1846. He described it as a "system of a vicious character, and as one which, if adopted, must lead to the complete confiscation of the property of Ireland." Yet, in 1847, my noble Friend himself introduced, and most unfortunately prevailed on your Lordships to pass, a perpetual Bill for the administration of outdoor relief. If this has been the case with one whose character is all honour and truthfulness, where is our trust to be placed? Accordingly, the people of Ulster feel no confidence in the pledge tendered, and, as I am informed, the property of the tenants there, well known to your Lordships under the name of tenant-right, is no longer saleable. It is now scarcely considered an existing title, as few will become purchasers of tenant-right.

I cannot but consider this Bill to be founded on principles laid down by a distinguished Member of your Lordships' House in the middle ages, then Earl of Huntingdon, though better known under the romantic name of Robin Hood. That principle is one more conformable to the outlaw's costume of Lincoln-green, than to the pure ermine of the House of Lords. Robin Hood was doubtless a man of a most generous character. His practice was to rob the rich for the benefit of the poor. I doubt whether the men of Ulster will be reconciled in our less poetical times to this

system, whether introduced by the forester, or by his first aide-de-camp, whose name* will readily suggest itself to your Lordships on the present occasion.

But to be serious. I fear that when the people of Ireland see that Parliament is taking a course that is at once unjust and illusory, that they may believe themselves justified in evading and resisting the tax. This I should consider to be a fatal and unpardonable error. The tax is proposed for a period of two years, and it is to be levied only with the next rate. Suppose that, before the Bill receives the Royal Assent, any union or number of unions should strike a rate calculated for the whole period of two years. To that levy it is clear the rate in aid will not attach, and the powers of the Act will expire in two years. How then can it be levied at all? I only give this as an example, showing how possible it is that the rate in aid may be defeated.

With respect to emigration, I have heard with surprise and dismay the manner in which the existing system of non-interference, or voluntary emigration, as it is called, has been vindicated by my noble Friend the Postmaster General. When the fitting time comes, I shall be prepared to prove that the emigration now going on, that on which my noble Friend relies, is an emigration of capital, public spirit, industry, and enterprise. It is an emigration of the very class most required in Ireland, and which every well-wisher to his country would wish to retain.

If time permitted, I might undertake to show how rapidly the fertile lands of Ireland are going out of cultivation; how, as in Clifden, more than half the valued rental now consists of a waste, and how surely this desolation, exceeding, as Mr. Richard Bourke informs us, "the ruin committed by a devastating foreign enemy," must inevitably extend over the adjacent districts. I do not set much store upon the hopes of bringing under cultivation the bog and mountain lands; but I do feel certain that if Parliament perseveres in its present course, not only will those mountain tracts be condemned to perpetual unproductiveness, but arable lands will be thrown up, capable as they are of providing food for our teeming population, and on which, even a free-trader like myself, must greatly prefer to rely for food, rather than on the produce of the wide fields of Poland, or of the boundless prairies of the United States.

* Little John.

I earnestly desire that the rich and fertile lands of Ireland may be brought under improved husbandry. But if a state of law is allowed to exist, and a pressure of local burdens is created, which renders all cultivation unprofitable, how can any investment of new capital be expected to take place? If the present local burdens are such as to prevent the race of existing farmers from tilling their lands to a profit, we may pass Encumbered Estates Bills, we may call for British capitalists, "but will they come when we do call for them?"

I must remind your Lordships that I do not vote against this Bill without having marked and recorded my willingness to find and support a substitute for the rate in aid. I voted in Committee for the substitution of a property tax to meet the present exigency. I did so, although I felt that such a proposition could only originate successfully, or justly, from Her Majesty's Government. Still, when the recommendation was made by my noble Friend (Earl Fitzwilliam), I supported him; and it is to be further remembered that the only Cabinet Minister then present, who voted at all (the Earl of Carlisle), gave his vote against that recommendation.

My Lords, I conclude. It is because I believe this Bill will augment, extend, and perpetuate the miseries of Ireland, that I oppose it. If the Government, in place of an ineffectual attempt to perform the lower and more mechanical duty of sustaining pauperism, will come forward with a large and statesmanlike measure striking at the roots and causes of pauperism, they will receive — for they will deserve — support. I am sure that Parliament will not hesitate to do that which is generous and beneficent, when assured that it is also wise and just.

The Earl of GLENGALL addressed a few words to the House, but was quite inaudible.

Lord AUDLEY was understood to say, that one reason why he should feel it to be his duty to support this measure was, that he perceived a disposition on the part of all classes in Ireland to throw off the burden which it would impose upon them from their own shoulders on to those of others. He could assure noble Lords that no mere question of expediency should induce him to vote for a Bill of this nature; but, considering all the circumstances which had been stated by many noble Lords that evening, and not having heard anything suggested of a more practical nature than

this measure by any of those who had addressed themselves to the subject, he must give his vote in favour of it; and, in doing so, he must, at the same time, say, that he saw no reason why, under the circumstances, the men of the north should not receive it in a generous spirit. As a landlord in the most miserable part of Ireland (the south-west) he had long experienced the greatest difficulties. It was desirable that the inhabitants of that densely populated district should be rendered less dependent on the soil; and any measure tending to make them so would be well worthy of the attention of the Legislature. This measure should not be regarded by itself, but in connexion with others, which were, he trusted, to follow.

The Earl of WICKLOW regretted that the noble Lord who had last addressed the House had not previously given some attention to the subject. He was sorry to find that the noble Lord had charged the landlords of Ireland with a disposition to shift the burden from their own shoulders. He knew not upon what authority the noble Lord made that accusation; because, although he had listened to the whole of the debate, he was glad to say that not one of their Lordships, who had addressed the House, had shown the slightest disposition to bring such an accusation against the landlords of Ireland. He believed, that in every part of the country, they had shown the greatest readiness to submit to taxation for such a purpose. The ground of objection to the present measure, was, that it was based upon erroneous views and calculations, and they also objected to the mode in which it was proposed to raise the money under the provisions of the Bill. It was unnecessary to urge any objections against the rate in aid, as they had been furnished by the supporters of the measures themselves. Not a single Minister who had addressed the House, and not a single witness who had attended the Committee upstairs, who had not deprecated the measure. The noble Lord the Secretary of the Colonies supported it merely on the ground of expediency; and the noble Lord the President of the Council had declared that no considerations would have induced him to support so objectionable a measure if he did not believe it to be limited in point of time and in point of amount. But what security had they that the amount would be so limited? As the case now stood, they had Her Majesty's Ministers denouncing the measure in the strongest language, and declaring that they could not support it if it had not been limited in amount. But if the measure was once passed into a law, it was clear that it could not be limited either in time or amount. It had been stated that this measure was proposed because an unanimity of opinion could not be procured from the representatives from Ireland on the subject of remedial measures for that country. But the case had not been fairly put by the noble Lord the First Minister of the Crown to the deputation of Irish Members whom he had called to meet him. The Irish Members were asked whether they would have this rate in aid or an income tax, accompanied by other taxes. Now, the Government, to have acted fairly, should have stated what those measures were. Under all the circumstances, he should give his cordial support to the Amendment of his noble Friend, as he thought the Government had produced no satisfactory reasons for adopting so extreme a measure. It was urged that the measure was one of imperative necessity, as it was the only means of keeping hundreds of the Irish peasantry from starving; but there was nothing to prevent the Government continuing the aid in the form in which it had been previously given. The Session was not so far advanced as that a substitute might not be provided before any urgent necessity arose; and he was satisfied that it would pass the other House without the slightest opposition, and would come into operation, and would afford aid, as well as security, for the money now to be advanced, much more quickly than from the proposed rate in aid, which could not be collected without difficulty, such as would not attend the substitute proposed by their Lordships' Committee. It was a matter of astonishment to him, seeing the opposition that it had met with from 80 out of 105 of the representatives of Ireland, that the Government would still persevere in attempting to pass it, instead of adopting the more judicious alternative of proposing an equalisation of taxation with that existing in England.

Lord AUDLEY explained.

The Marquess of LANSDOWNE said, that he wished to say a few words, not in consequence of the appeals which had been made, on the ground that the Bill had not been sufficiently justified by those whose special duty it was to bring it forward, for he needed only to refer to the eloquent speech of his noble Friend who opened the discussion, and the just observations of his

noble Friend the Postmaster General, both in Her Majesty's Councils, but rather because circumstances had occurred while this proposition had been agitated in this and the other House of Parliament, which rendered it necessary that he should explain distinctly the grounds on which he was induced to give his vote for the Bill, and that he should state what it was that he did, and what he did not, expect. If he thought he was affirming the principle of a rate in aid as a permanent mode of providing for the wants of Ireland, or of any country, he should be far from saying that he would not be prepared to join in the reflections which might be made on such a measure, because he felt, if it were understood to be so introduced, it would be a measure most liable to be attended with danger, and most pregnant with mischief. But it was one thing to adopt under circumstances of an extraordinary character a measure as an immediate and temporary remedy, and another to admit that remedy permanently into the system and law of the country. Let them consider the circumstances under which this measure had been proposed. It had been said that this measure had been unnecessarily brought forward by Her Majesty's Government; but he held on the contrary, that there was every reason why it should have been brought forward. At the very commencement of the present Session, a proposition was made in the other House of Parliament to provide by grant from the imperial exchequer means to meet the extreme destitution then prevailing, and which had since assumed a more and more marked character in the west and south of Ireland. Did not the reception of that proposition justify the Government in coming to the conclusion that—for reasons, whether justified or not, whether adopted on account of that unfortunate disposition manifested in Ireland by persons who assumed, though he believed them not to be, organs of public opinion, contemptuously to depreciate the assistance derived from the people of the united kingdom, or on account of the pressure on the public finances of England itself—there did exist in the other House something like a determination not to add further to the grants hitherto made to Ireland? From that moment, then, it became the duty of the Government to consider how the necessary means to alleviate the distress in Ireland were to be obtained; knowing the opinion that prevailed that Ireland had no disposition to make some exertion to help itself, and knowing that the resources of Ireland were not taxed, he thought wisely not taxed, to the same amount as the resources of Great Britain, the Government came to the conclusion that some effort ought to be made in Ireland to meet the distress. The most rev. Prelate, in whose general opinions on the subject of the poor-law and the abuses connected with it, he concurred, omitted in his speech any reference to that which was the immediate cause of the present Bill—the extraordinary infliction of the potato famine—and all those considerations adverted to by the most rev. Prelate ceased to operate with the entire cessation of all ordinary circumstances. The most rev. Prelate had said, "Why not teach these persons to depend on their own exertions and efforts?" But what could be the exertions and efforts of a population deprived of all food, and having neither capital, stock, nor means, nor even strength to make them? It had been argued by some of their Lordships, that this state of Ireland connected with the potato famine was a state of transition which must be submitted to; but he would remind the House that the period of transition was a transition from life to death with respect to a great part of the population in Ireland; and though he humbly submitted to the decrees of Providence, yet he could not admit that while that transition was going on, it was not their duty to legislate as far as possible to mitigate the evils bearing on that unfortunate country. Let them legislate as they would, or be as liberal as possible, they could not do away with all the effects of that transition. Those effects in uncivilised and barbarous countries were permitted to take their course, and the result was that whole populations were swept away—if not unpitied yet unassisted; but in a civilised and Christian country it was felt to be a duty to endeavour at least to mitigate the evil. It was because the Government had recognised this duty; because they had seen in the other House a disposition not to assist further by grants of money unless a disposition was perceived on the part of Ireland itself to make some effort, that the present measure was brought forward, with all its inconveniences and objections, for their Lordships' adoption. A noble Lord on the bench above him had indeed a very easy mode of dealing with the question; and, according to his argument it appeared, that the expression of hesitation on the part of any Minister to take on himself during

the sitting of Parliament, expending the public money was nothing but "constitutional twaddle;" although since the commencement of constitutional practice in this country no Ministers could act otherwise but at the peril of their heads. A noble Lord had asked why recourse had not been had to the income tax; and, though the noble Lord was justified in putting that question, he (the Marquess of Lansdowne) conceived that the Ministers were justified in imposing that particular burden which would be the least objectionable to the parties bearing it. With respect to the income tax, though at one time there appeared a sort of unanimity of feeling among the Irish representatives in its favour, yet from the moment of the report of their Lordships' Committee recommending the imposition of that tax, and from the moment that the imposition of that tax thus acquired a more serious aspect of probability, somehow or other the supporters of the proposition fell off one by one, and became suddenly silent on the subject. Even the necessity of the case might not have justified him (the Marquess of Lansdowne) in proposing as a permanent system of relief that which he had admitted to be one pregnant with mischiefs; but there was security that it should be limited—the security of the Bill itself, and the declarations made in the other House; and he (the Marquess of Lansdowne) felt himself authorised to state the opinion of Her Majesty's Government collectively, that beyond the period assigned for its operation in this Bill, under no circumstances was it their intention to propose a continuation of this measure; but that if, unhappily, circumstances, now assumed to be temporary, should acquire more than a temporary character, endeavours to meet the deficiency and to remedy the evil, must be founded upon a broader and more equitable principle. With regard to the other expedients suggested, that of calling in monies advanced on account of workhouses had been already explained to be a measure which would operate much more unjustly and partially, and distribute the burden more unequally over Ireland than the plan proposed. Emigration, if applied in the wholesale way that would be necessary, would require an amount of machinery and expense which would present quite as great a difficulty as the present measure, or even a greater; and it would have such effects in other countries as to produce absolute resistance to their being surfeited with a mass of paupers; to say nothing of its effect upon the future progress of a sound system of emigration. The estimate which had been asked for and furnished, had not been dealt quite fairly with during the debate; it was stated by the Government, when the estimate was called for, that it might turn out fallacious, as it must be founded upon the existing valuation. It was hardly fair, after obtaining with that warning all the information that could be given, to complain that the information was fallacious, and did not allow for depreciations which the Government had no more the means of estimating than they had of penetrating beforehand the inscrutable designs of Providence. They were compelled by the circumstances of the case to act in the dark. They had to deal with a portentous, uncertain, and mysterious evil. To it they could apply no satisfactory, certain, positive remedy. But they were not therefore relieved in the eyes of God or man from the duty of endeavouring to mitigate its pressure, and adopting such means as were before them; those which offered the greatest facility for the immediate levying of the money required, guarding their proceeding by every declaration that could be made, that as a permanent principle it would be fatal to the country. But for the time he asked their Lordships to agree to this Bill.

On Question, "That the word 'now' stand part of the Motion,"

House divided:—Contents 48; Not-Contents 46: Majority 2.

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Devon	St. Asaph
Carlisle	Manchester
Scarborough	Hereford
Cowper	LORDS.
Spencer	Audley
Fortescue	Camoys
Bessborough	Saye and Sele
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St. Germans	Montfort
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Monteagle of Brandon

Proxies were not called.
House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, May 11, 1849.

MINUTES.] PUBLIC BILLS.—1° Sheep Stealers (Ireland); Grand Jury Cess (Ireland).

2° Land Improvement and Drainage (Ireland); Incumbered Estates (Ireland); Defects in Leases; Estates Leasing (Ireland).

Reported.—St. John's, Newfoundland, Rebuilding; Registering Births, &c. (Scotland).

PETITIONS PRESENTED. By Mr. Heald, from Pinxton, Derbyshire, for the Clergy Relief Bill.—By Mr. Home Drummond, from the Synod of Perth and Stirling, against the Marriages Bill.—By Mr. Mackenzie, from Kirkcudbright, against the Marriage (Scotland) Bill.—By Mr. Cowan, from Greenock, against the Sunday Travelling on Railways Bill.—By Mr. Stafford, from Maxey, Northamptonshire, against the Alienation of Tithes.—By Mr. William Miles, from Shepton Mallet, Somerset, for Repeal of the Duty on Attorneys' Certificates.—By Mr. Hollond, from the Guardians of the Hastings Union, that Counties may be Exempted from the Expense of Constructing Gaols.—By Mr. Philip Bennet, from a Number of Places in the Western Division of Suffolk, for Repeal of the Duty on Malt.—By Mr. Charteris, from the County of Haddington, against the Lunatics (Scotland) Bill.—By Mr. Feargus O'Connor, from Old Hill, Worcestershire, respecting Accidents in Mines.—By Mr. Fergus, from Dysart, for Reduction of the Public Expenditure.—By Mr. Plumptre, from a Number of Places in the Eastern Division of Kent, for Agricultural Relief.—By Captain Boldero, from the Pewsey Union, Wilts, for a Superannuation Fund for Poor Law Officers.—By Mr. Baines, from Kingston-upon-Hull, for the Punishment of the Promoters of Promiscuous Intercourse.—By Mr. Duncan M'Neill, from Inverary, against the Registering Births, &c. (Scotland) Bill.—By Mr. Hastings Russell, from Woburn, for an Alteration of the Sale of Beer Act.

THE MARRIAGES BILL.

MR. STUART WORTLEY said, he felt the difficulty experienced by hon. Members not connected with the Government in conducting Bills of great public interest through the House, and had appealed to the noble Lord at the head of the Government to assist him in fixing some day next week for the resumption of the adjourned debate on the Marriages Bill. He now renewed his appeal, and suggested Thursday next as a day that might be given for the discussion. The Poor Law (Ireland) Bill was put down for that day; but from what he had heard of the progress of the Committee upon that subject, he believed the noble Lord would not look with confidence to bringing on that Bill upon that day. If the adoption of this suggestion were declined, he would make another proposal to the House, but trusted the noble Lord would accede to this. He would also beg to remind the noble Lord that 2,700 of his own constituents had petitioned the House in favour of the measure.

LORD J. RUSSELL hoped the right hon. and learned Gentleman could suggest some other arrangement. It appeared to him (Lord J. Russell) that the adjourned debate might have been concluded on the second night, especially as it was a Friday; and he could not consent to put of Government Bills of great importance from the days for which they were fixed.

MR. WORTLEY had had it suggested to him in a quarter entitled to the greatest respect from the House that Thursday, June 7, not being an Order day, and being a day too distant for any Motion to be yet fixed for it, the House might be disposed to consent in this special case to give precedence on that day to the adjourned debate. He would therefore move at the proper time that on Thursday, June 7, Orders of the Day have precedence of notices of Motion.

Subject dropped.

COMMITTEE OF SELECTION.

The following Report was presented from the Committee of Selection:—

"The Committee of Selection have to report to the House, under Standing Order, No. 91, that they have not received from Mr. Horsman, one of the Members nominated on the Select Committee on the Group No. 18 of Opposed Private Bills, appointed to meet on Monday next, at One o'clock, either the Declaration required by the Standing Order, No. 90, or any excuse in lieu thereof.

"*Ordered*—That Edward Horsman, esquire, do attend the Committee on Group No. 18 of Opposed Private Bills on Monday next, at One of the clock."

MR. HORSMAN (who shortly after entered the House) said, he was sorry he was not in his place when the report of the Committee of Selection was read, stating that he had not returned an answer to the summons which was sent to him. It had always been the custom to send to each Member notice from the clerk, begging to know in what period of the Session it would be most convenient to attend these Committees. Every year before this he had had such a notice, and he had replied to it, and this arrangement had been conducive to the convenience of all parties. In the present Session the practice had been given up. ["No, no!"] Then he could only say he had been an unfortunate exception. He had received no information of the kind. If he had received notice, he should have stated that the week beginning the 14th of May was one in which it was impossible for him to pledge himself to attend the Committee. It was not his wish to shrink from the duty imposed upon him; but he thought that for the convenience, not only of Members generally, but of the public, this arrangement should not be departed from. From the course which had been adopted in this particular instance, a hardship had been imposed upon him by being reported for not attending.

STEAM COMMUNICATION WITH AUSTRALIA.

MR. SCOTT, seeing the First Lord of the Admiralty in his place, asked whether the company which had engaged to manage the steam communication with Australia were likely to fulfil their engagements?

SIR F. T. BARING said, that the company was about to be dissolved; but some parties who were in the company were prepared to go on with their contracts with certain modifications. That was under consideration, and the correspondence had not been entirely concluded.

MR. SCOTT: Would there be any objection to state the names of the parties likely to conduct the communication?

SIR F. T. BARING said, that it was not in his power to state the particular names.

Subject at an end.

RUSSIAN INTERVENTION IN HUNGARY.

MR. B. OSBORNE asked the noble Lord the Secretary of State for Foreign Affairs whether he and Her Majesty's Government had received any information of the advance of the Russian army into the free and independent kingdom of Hungary? ["Oh, oh!"] It was very evident that hon. Gentlemen were not conversant with the history of Hungary. Secondly, he asked if there was any treaty in existence by which this country was bound to permit the entrance of the Russian troops into Hungary? and, lastly, whether Ministers had any intention to offer their mediation between the Emperor of Austria and the victorious people of Hungary?

VISCOUNT PALMERSTON, in reply to the first question, had to state that Her Majesty's Government had to-day received information from the Chargé d'Affaires at Vienna, that application for military assistance in a war between Austria and Hungary was sent by Austria to the Russian Government, and the application had been assented to, and was going to be complied with; and, although no Russian troops had as yet entered, a Russian force was expected. As to the second question, there was no treaty that he was aware of that bore at all upon the question of the military assistance afforded by Russia to the Austrian Government. As to the third question, he had to state that Her Majesty's Government had taken no steps to offer their mediation between Austria and Hungary, and the Austrian Government had intimated no desire for such mediation.

Subject at an end.

FRENCH EXPEDITION TO ROME.

MR. B. COCHRANE asked whether any communications had passed between the Foreign Office and the Government of the French Republic respecting the expedition to Rome? He might also ask whether it was the intention of Her Majesty's Government to mediate?

VISCOUNT PALMERSTON: No official written communication has passed between this Government and the French Government on the subject. We have been made aware of the intentions of the French Government by verbal communications between the French Ambassador and myself.

Subject at an end.

PAUPERS (IRELAND).

SIR W. SOMERVILLE, in answer to

Ireland than all their legislation had yet effected. The question of arterial drainage was one of the greatest importance, and he was glad that it had not been lost sight of by the Government. He thought it would be better, both for this country and for Ireland, if it was resolved at once to carry out all the works already commenced. Formerly these works were promoted to a certain degree by means of private capital, because it was obtained on the security of the lands that were improved. That system could not, however, be continued, in consequence of the value of landed property having become so much depreciated that the want of confidence thereby created prevented them getting the money. In 1838 the Marquess of Lansdowne stated that Government were pledged, by what had passed on the passing of the Irish Poor Law, to encourage the employment of the labouring poor of Ireland; and he added, that better security did not exist than was found in that country for sums advanced to promote that object. He (Major Blackall) thought that, after what had passed last year, they had a right to expect that liberal aid would be extended to Ireland. He could assure the House that, at present, the safety of Ireland depended on employment being given to the people; and that, instead of the landlords and farmers of that country being able to do so, their resources were rapidly decreasing.

Mr. SHARMAN CRAWFORD wished to impress upon the House that this proposition of the Government would be wholly inadequate for the purpose of giving relief to Ireland. The right hon. Gentleman the Chancellor of the Exchequer had referred to some of the distressed districts as showing symptoms of prosperity. The reports of the last few days, however, had given an answer of a most unfavourable character to the anticipations of the right hon. Gentleman. From various unions the most disastrous accounts had been received, and he was more than ever convinced that the House would be acting under a delusion if they thought the Government proposition would be sufficient to relieve the distress of that country. The ejectments going on, in connexion with the starvation that prevailed, required some effectual remedy. What good effect resulted from the Bill of last year? It might give some amount of food to the poor ejected peasantry; but they were supplied with neither clothes nor lodging. If it had been intended to depopulate Ireland by starvation, the course now taken would produce that very result; but he was sure it was not the intention of that House that the people of Ireland should be so dealt with. Why should the mass of the people be driven from the occupation of the soil? He thought the occupation of the soil in reasonably small holdings one of the best means that could be devised for benefiting Ireland. It was of no use to expect that the farmer would lay out capital to improve the soil, unless they gave him some security that he would receive the benefit of the outlay he had made. Government had promised that something should be done in this respect; but those promises were not kept, and now the soil was uncultivated, and consequently there was no employment for the people. There was no want of capital in Ireland. There was a great deal of capital in the hands of farmers; but it was not laid out in the cultivation of the land, and they were now carrying it away to foreign countries. If, however, security had been given for a fair return for the improvements made, this capital would have been expended on the soil. If he wanted additional proof of this matter, it was to be found in the admirable address which had just been published by the Society of Friends for the relief of destitution in Ireland. They stated in this address that whatever might have been the value of the enormous amount applied during the last three years by the Legislature and by private charity, in affording a temporary alleviation of wide-spread misery, it had produced scarcely any permanently useful results. They next referred to the extent of neglected land, while the strength of the country was standing by idle, anxiously seeking for work, to the frightful system of wholesale evictions, the progress of emigration, and the other symptoms of the deterioration of society in Ireland, and then observed that—

"We have long felt that the chief ground of hope, the main source of improvement, is the improved cultivation of the soil; and that the surest means of effecting this object is by affording security to the cultivator. That this security does not generally exist in Ireland, is admitted. On this point there is scarcely a second opinion among thinking men in this country. The laws which regulate the title to, and the conveyance of land, require to be changed, so as to give the utmost freedom to its sale and transfer—so as to pass those estates, whose proprietors are irretrievably ruined, into other hands—and to enable those who are partially encumbered to free themselves from their difficulties, by disposing of part

of their landed property. Until this be effected; until the soil of Ireland be held by a clear and marketable title; until the owners be enabled to sell the whole or any part of their property without the ruinous delays and the heavy costs which now prevent them; until the creditors of a landowner have those facilities for enforcing payment of their debts by the sale of his property, to which justice entitles them; we are compelled thus publicly to state our decided conviction, that it is in vain to hope that Ireland can raise itself from a state of poverty and degradation. The potato may grow again, and by its assistance our country may be enabled to escape from the immediate pressure of its difficulties; but without those changes of the laws relating to the tenure and conveyance of land, which shall open a free scope for the employment of its capital and its industry, and give ample security to the cultivators of the soil, we cannot hope for general and permanent improvement. An enormous amount of money has been raised to relieve us. It will be useless unless free scope is given to the energies of the country. The partial remedies which have been applied have served but to tighten the net which trammels the exertions of the great mass of the population. Measures of a much more decided character are necessary to produce any permanently useful effect. The situation of the country is daily becoming worse. There is no time to lose, if those now suffering are to be saved. Money must still be advanced for temporary purposes, during the interval which will elapse before efficient measures can be brought into general and active operation. But our paramount want is not money; it is the removal of those legal difficulties which prevent the capital of Ireland from being applied to the improved cultivation of its soil, and thus supporting its poor by the wages of honest and useful labour."

Such was the opinion of that excellent society. They contended that all the grants proposed by Government would be productive of no permanent benefit unless accompanied by other measures for giving security to the tenant farmers. There were large tracts of cultivatable land in Ireland now lying waste. The Government should take them up, and give instant employment to the people, and not leave that duty to be discharged by the landlords. He would direct the attention of the Government also to the plan proposed by the right hon. Baronet the Member for Tamworth, which he believed to be in many respects practicable. At all events, unless something were immediately done, thousands of the poor in Ireland would die, and the responsibility would fall upon the Government and the Legislature. They must, when dealing with Ireland, depart from those economical principles which might be applicable to England. Ireland was a country which required to be dealt with in a very different manner. He approved of the present proposition of the Government, and should give it his support; but he warned the House against considering it as excusing them from the adoption of other measures of improvement for Ireland.

The CHANCELLOR OF THE EXCHEQUER did not think it advisable to enter upon the discussion as to whether some other mode of applying the public money for the improvement of Ireland might not be adopted. He thought it much more convenient to consider this additional advance to be made on the same terms, and applied to the same objects, to which the former grants had been made applicable. He would take this opportunity of referring to a statement which was made the other night by the hon. Member for Shropshire in reference to the expenditure for certain works performed on his estate in the country of Leitrim. The observation of the hon. Member on that occasion did not apply to either of the Bills under which he (the Chancellor of the Exchequer) proposed to make this additional advance. The works to which the hon. Member referred were done under what was called Mr. Labouchere's letter, which was a modification of the Relief Bill. According to the provisions of that Bill, the labourers were selected and paid by the relief committee, and the work was conducted under the superintendence either of the landlord (the hon. Gentleman himself in this instance) or his agent; and if they had taken part on the relief committee, in all probability the work would not have cost them more than had been expended on other works. It turned out that the overseer appointed by the relief committee was a small shopkeeper, and wholly incompetent to discharge the duty required of him. The inspector of the works remonstrated against his being employed; but the relief committee retained him until the officer of the Board of Works found that gentleman sitting down quietly under a hedge with all his labourers about him. If from the negligence and carelessness of the landed proprietors of Ireland these works were not efficiently and economically performed, the Board of Works could not be considered responsible, who had no power to control the relief committees, with whom rested the power to carry out the provisions of the Relief Bill.

MR. O. GORE said, the right hon. Gentleman was perfectly correct in saying that the work in question was done under Mr. Labouchere's letter, and was arranged altogether without the knowledge of his (Mr.

O. Gore's) agent. No notice was given of the intention to work on the estate. The first intimation that the agent had of it, was a demand, on the part of the Government, for the sum of 200*l.*, being at the rate of 32*l.* an acre for drainage. That was one case; but he had now two other cases to mention. In the county of Westmeath 150*l.* had been demanded for draining nine acres and a half of land; and since he had come down to the House he had received a letter from the county of Sligo, in which the writer mentioned a case where arterial drainage was attempted under Mr. Labouchere's letter, but was never finished, the subdrain never having been closed, and that if the work had been finished it would only have drained about three-quarters of an acre. The sum paid for this was about 24*l.* The writer stated that it ought to have been done for 4*l.*, or less. But—*Quos Deus vult perdere prius dementat*—the Whigs are determined to ruin Ireland. Drainage, the writer observed, was the first step to be taken in a country requiring improvement so much as Ireland did; but it should be done economically, and not, as it was now done, wastefully, by keeping in pay a horde of incapables. He (Mr. O. Gore) agreed with the writer when he said that there was plenty of money in Ireland. Doubtless, portions of Ireland were very much distressed, but there was plenty of money there; and, as the hon. Member for Rochdale had said, Ireland did not want the assistance of England if Parliament would only give them fair play. The writer went on to say, that the localities for arterial drainage by the Board of Works had often been ill selected and worse engineered. The estimate made of the cost for common drainage in the county of Westmeath would have been ample but for the mismanagement of the officers of the board. Although the drainage had not reached three-quarters of the distance it was intended to go, yet the landlords whose property it did not reach had been compelled to pay their proportion of the expense. Now, if the Government undertook to perform works of improvement in Ireland, they should consider themselves to be placed in the same position as a common contractor would be, and they should be bound to carry out their work or receive no pay.

Mr. SHAFTO ADAIR had had considerable experience of the operations performed under Mr. Labouchere's most admirable modification of the Labour Act; and he, certainly, could not concur with the hon. Member for Shropshire in the censure which he had passed upon what had been done for the improvement of Ireland under that measure. He thought the country ought to feel exceedingly indebted to the Government for this additional grant. He believed it would be of the greatest possible use, by extending in Ireland a knowledge of the means of improving that country by introducing neat and correct work on the land.

Mr. F. FRENCH could not anticipate any real advantage from either of these measures. He also called attention to the fact, that in every instance the Board of Works had materially exceeded the sums which had been agreed by the parties should be expended in these works, and contended that some control should be placed on the Board, and that they should not be left, as they now were, both the planners and paymasters of the improvements carried out under the advance. He considered that, owing to the peculiar circumstance of the districts which this Bill was designed to assist, that it would be, so far as they were concerned, inoperative. In the eastern and northern districts the proprietors would, no doubt, be most anxious to obtain the advantages which it offered; but it would not be so in the southern and western districts, where the landlords would scarcely be willing to involve themselves still farther than they were already. He objected to the Bill, because it would neither meet present purposes nor lay the foundation of future improvement. He believed that no sum of money which might be necessary to raise the condition of the people of Ireland to an equality with themselves, would be grudged by the English people. What was required in the southern and western districts was railways to convey their produce to the markets. An advance of a million would open up four main trunk lines; and while it would do more, perhaps, than anything else towards future prosperity, it might be advanced under the most perfect security for repayment. He hoped that the Chancellor of the Exchequer would turn his attention, still further than he had done, to the condition of Ireland. The evidence before the Lords' Committee showed that in Connaught alone, there were 50,000 acres of the best land lying waste, the value of the produce of which, if brought into cultivation, had been estimated at not less than 2,500,000*l.* This was a subject

which should not escape notice by Ministers, when considering measures for providing employment for the people, and for the future prosperity of the country.

MR. HORSMAN observed, that after the large sums which had been already advanced, it was probable that this extra half million would not do much harm to England, neither, seeing the large sums which had been wasted in Ireland, was it likely to do much good to that country. He concurred with the last speaker, that the Bill was not likely to be useful, either for present purposes or as laying the foundation of future improvement. But measures unimportant in themselves might be important in the principles involved in them; and in this case the House should consider whether this Bill was not the mere continuation of that blind, inconsistent, and ruinous system of tiding over difficulties for the moment, without caring for the future, which had been so long followed, or whether it was a part of a new and wiser system of policy. From the speech of the Chancellor of the Exchequer of the other night, he concluded that the Bill was of the former character. And that speech had gone far to confirm his fears that this new loan was of the same character, and would follow the same course as many others that had gone before it, and that it would go into that bottomless pit in which they had sunk. Ireland had larger claims probably on this country (suffering as she was at this time) than any efforts of ours could meet. And he believed that such was the feeling of the English people, that there were no efforts of humanity in their power which they were not prepared to make on behalf of their suffering fellow-subjects in the sister country. At the same time he could not admit that in considering this question, Parliament should throw over economical principles altogether. The system of loans began to be regarded in England as pernicious in principle and in its results, and as tending to create feelings of disaffection and alienation between the two countries. He did not conceive that the Chancellor of the Exchequer's arguments were at all satisfactory when compared with the facts as they stood. The right hon. Gentleman had said that having succeeded in arresting the progress of famine and preserving life by the former advance, now they should proceed to measures of permanent improvement. But if the measures of improvement were not to be more successful than those for the preservation of life had been, neither Government nor the House would have much reason to congratulate themselves. Let them look to the accounts of the mortality in Ireland, as they appeared in the public papers and in private letters. It was true that no official returns had been presented to Parliament, showing the mortality and disease which prevailed in Ireland; but there was not an hon. Gentleman in that House who was ignorant of the fact that the most alarming and shocking state of things existed in that country. The Chancellor of the Exchequer, it was true, drew rather a cheering picture of Irish affairs. From his speech one would suppose that the worst had passed—that there were unmistakeable signs of improvement—that mortality and disease had at least abated—that we had turned the corner there. But what were the facts? The very morning after the right hon. Gentleman made his speech, statements appeared in the London newspapers, which gave a most fearful picture of the state of the people in Connemara, Ballinrobe, and Kenmare. [The hon. Member here read extracts from a letter in a London morning newspaper, which gave a frightful account of the condition of these districts.] And it appears that the mortality in the workhouse of Fermoy for the last four months has been as follows:—

1849, January, 31 days	.....	208 deaths.
February, 28 days	.....	352 do.
March, 31 days	.....	315 do.
April, for 28 post days	...	350 do.
Total for four months...		1,225 deaths.

The practical instructions sent out by the Agricultural Society, in accordance with Lord Clarendon's letter, give the following picture of a western county:—

"The country is in a most deplorable condition—farm-houses are everywhere deserted, the land attached to them has become waste, and a regular commonage enjoyed by those who have survived the dreadful ordeal of the last four years. The central and three auxiliary workhouses are overstocked, whilst many of the recipients of outdoor relief have located themselves in the now doorless and roofless habitations, and have become the nocturnal plunderers and terror of the country, disdaining to work for ordinary wages, so long as they receive public charity and relief."

From Galway West, Mr. M. Bole writes—

"I proceeded towards Spiddal, and found the farmers along the coast making great efforts to plant the potato. I asked many of them what they would do if the potato crop should fail this season; and the universal reply was—'If the potatoes fail this year, we have nothing to do but to lie down and die.'"

The condition of the west is thus described in a newspaper of the present month :—

"In Ballinrobe workhouse the deaths for the week have been one hundred and forty-six; and the *Mayo Constitution* states, that 'upwards of four hundred paupers have absconded, preferring to die by the way side to becoming victims of disease in that charnel house.' Cholera is on the increase in Ballinrobe and the surrounding villages. Outside the workhouses the deaths from starvation are increasing. The same Mayo paper complains of what it terms 'more pauper slaughter,' in the Westport union, owing to the alleged criminal negligence of some persons connected with the administration of outdoor relief. In one case of this description, after an inquest, the relieving officer has been committed to abide his trial.

"The Rev. James Anderson, Protestant rector of Ballinrobe, in another letter to Lord John Russell, describing the destitution of the peasantry, says, 'They are dropping into their graves in multitudes.'"

And those appalling statements were confirmed by the accounts they every day received. The hon. Member for Dorsetshire stated a few evenings ago, that a correspondent of his in Ireland wrote to him to say, that in travelling along the road he was obliged to stop his gig five times, so that the dead and dying might be removed. Now Government had asked Parliament to advance money, in order to preserve the lives of the people—the grants were assented to on that principle—had not Parliament a right to expect that the purposes of those grants would be accomplished? If they were insufficient, why did not the Government ask for more? If they were sufficient, how did it come to pass that the people were dying of starvation in the public highways? There must be either gross miscalculation or gross mismanagement. The people were dying of starvation, he repeated. On whom did this awful responsibility rest? Not upon the poor-law guardians or proprietors in Ireland, for they had been unceasing in making representations upon the subject—not upon the Parliament of England, because Parliament had assented to every request that had been made, and had been told that the grants would suffice for staving off the temporary distress; and if, because the Government had refrained from asking for sufficient funds in order to save themselves from the embarrassment which arose from doing so—if, in consequence of this, multitudes of the poor were being carried off by cruel and lingering deaths, and the rest were falling into a state which was shocking to humanity and disgraceful to civilisation and religion, the responsibility of these results must surely rest somewhere, and a more serious and grave responsibility he could scarcely imagine. He did not think, therefore, that the first duty of Government to save human life had been satisfactorily accomplished. One would have thought, to have heard the speech of the Chancellor of the Exchequer on Friday night, that Ireland had passed its worst, and that better times were close at hand. But unfortunately the evidence of Colonel Knox Gore, and the reports of Captain Hamilton, and even Mr. Bourke (whom the right hon. Gentleman had quoted on that occasion), were calculated to lead to a different conclusion. With respect to Ballina, it was stated that there was a debt of 68,000*l.*; that no less than eighteen estates were in the hands of receivers; that there was not one landlord receiving rent; that a majority of them were ruined; that almost every magistrate had ceased to sit on the bench, and was either confined to his own house or in prison; that not a tenant could be got to take a farm; that no landlord would take a loan for improvement; and that it was impossible to have an improvement in that union without a change of proprietors. Now, these were all permanent, not temporary, causes of depression; and yet in these circumstances the House was invited to assent to a loan in order to assist proprietors who, as Captain Hamilton had said, would not take a loan, and that he himself had suffered from taking one on a previous occasion, because he could not get persons to take the land which he had reclaimed by means of it. He must say that, seeing that all these were not temporary but permanent causes of depression, it was idle for any one to write from Ireland, or to state in that House that there was any prospect of improvement for Ireland, while those causes were not only not removed, but were being aggravated from week to week. To do so was, in his opinion, to dwell upon a superficial and delusive prospect; and only showed that the real circumstances of Ireland had not been carefully considered, and that the real wants of Ireland were imperfectly understood. It appeared to him, that if the evils under which Ireland was suffering were not distinctly known, it was impossible that a remedy could be pointed out; and that it was their duty, whatever measure was proposed, to compare that measure with the evil which it professed to remedy, to examine the relation between the malady and the cure, and by that means to test every measure, whether it was

large or whether it was insignificant in its character. He asked, then, what, in the case before them, was the real evil to be cured? In the present circumstances of Ireland, they had to aim, in the first instance, at the immediate preservation of life; in the second place, at the restoration of healthful agricultural relations; and, in the third place, at the establishment of feelings of sympathy and confidence between the people of the two countries. He asked whether any of these objects could be at all achieved by the measure before them? Certainly, it could not affect the immediate preservation of life, because the object of the loans was to employ the able-bodied labourer, and not to support those who were reduced to destitution, and were almost in the last stage of existence. Neither would it establish healthful agricultural relations, because its effect must either be to give loans to the solvent proprietors, who were the few, and did not need them, or to the insolvent proprietors, whom it would be much better to compel to bring their estates into the market. It was equally incapable of establishing kindly feelings between the two countries, because the sense of the burden of taxation dissatisfied the one, and the sense of obligation irritated the other. He looked at the measures introduced by Government, and regretted to say that none of those measures had been carried out. The Chancellor of the Exchequer said that legislation could not give to the Irish people habits of industry, energy, or self-reliance. His reply was, that Government could not do all this, but it could do much to promote those qualities. They could not legislate to make men walk whose feet were tied, nor to make men eat who were unable to get food, but they could by legislation loosen the fetters of the one, and cheapen the food of the other. Ireland was an agricultural country, and measures ought to be at once taken to make the transfer of land easy, to simplify the complexity of tenure, and to give security to the capitalist for his investment. An amendment—a thorough and searching amendment—of the laws was much more needed than a system of loans, which perpetuated pauperism, diminished self-reliance, and were calculated to protract a system cumbersome, rotten, and delusive. He did not say a word against the amount of the grant; on the contrary, he would be ready to vote much more; but then it must be upon some clear principle, and in order to carry out some well-defined and comprehensive scheme. He confessed he was deeply impressed with the condition of Ireland. The emergency was too great, and the opportunity too vast, to be neglected. They wanted another, a very different line of policy—they wanted a fresh system, not one of small measures, of makeshifts and expediency, but a system conceived in the spirit of a statesman, and carried out with earnestness and vigour. By the adoption of such measures, he believed Ireland might yet be saved; in the want of them, he saw nothing but continued misery and degradation to Ireland, and ultimate ruin to this country also.

SIR G. GREY said, that it was with considerable surprise he had listened to the speech of the hon. Gentleman who had just sat down. And he was somewhat astonished to find, that whilst he said "those were the grounds upon which he opposed the Bill before the House," he had not concluded by moving as an Amendment that it be read a second time that day six months. He (Sir G. Grey) did not think it was a question which the House could treat with indifference. If he thought that the sum of 500,000*l.*, the loan of which would be authorised by the Bill, was to be thrown away, or wasted, he could not, as a representative of the people, sit there and not enter his protest against such a waste. But he should call attention to some of the facts stated by his right hon. Friend the Chancellor of the Exchequer to the House—facts which the hon. Gentleman had altogether overlooked. His right hon. Friend, in the statement which he had made as to the grounds upon which the Bill was founded, mentioned, and satisfied the House (although, as it appeared, he had not satisfied the hon. Gentleman) that the money already advanced by Parliament to England, Scotland, and Ireland, by way of loans, for the improvement of the soil of the country, had acted most beneficially in increasing its productiveness, in giving employment to many of the people who would otherwise have been unemployed, and in increasing the general wealth of the State, and that it was not money thrown away. It had proved beneficial to those upon whose estates it had been laid out, and its repayment had been secured; and although, from the 2,000,000*l.* which had been advanced to England and Scotland the advantages expected to be derived had been already, to a great extent, realised, they had not yet seen the

whole of the results. But his right hon. Friend had also stated, that, under the advances made by Parliament, 20,000 able-bodied men, representing 100,000 families in Ireland, were now industriously exerting themselves for the support of their families, and these loans were secured by being charged upon the estates without any risk of loss to the State; he meant without risk of any important loss. He did not mean to say that a few pounds might not be lost; as, for instance, in reply to a question put the other night, his right hon. Friend had stated, that up to October last the only arrear remaining due from a former loan was a balance of 53*l*. That was the only answer he should give to the sneers of the hon. Gentleman the Member for Cockermouth, about throwing money into a bottomless gulf. But the hon. Gentleman had spoken in great ignorance of the facts of the case. He went into considerations about the result of lending to solvent or insolvent proprietors, as if he thought that the security for the loan was to be personal security—the personal security of insolvents, instead of being a charge upon the land. But the real fact was, that the land was held responsible, and it would become forfeited if the loan were not repaid. So that they had the best possible security for the money, and one that would be perfectly available for the purposes of the Act. As to the observations of Captain Hamilton, they were merely founded upon a superficial view of the district. He (Sir G. Grey) did not know whether in the union of Ballina any proprietors had applied for loans under the Act; but he knew that in the west of Ireland there were several proprietors who had applied for loans for the purpose of improving their estates and employing the people. The object of the present Bill was to enable landed proprietors to obtain loans by which they could at once improve their estates and employ the people. The hon. Gentleman condemned the present measure and said that other means should be employed to meet the exigencies of the case. But other means had been employed, means which the hon. Gentleman ridiculed, in aid of the rates, in order that relief might be afforded to these poor people, and that the progress of poverty and destitution might be arrested. He would not follow the hon. Gentleman through his speech, or into any of the various subjects upon which he had assailed the measures of the Government. The hon. Gentleman seemed to be quite unmindful or ignorant that by that speech he was delaying the progress of another measure belonging to the very class which he said ought to be introduced. He seemed not to know the nature of the next Bill upon the Orders of the Day, that was to come before the House, or that it was one for the better enabling people to dispose of incumbered estates. The hon. Gentleman was quite wrong in thinking that his right hon. Friend thought or said that legislation could do nothing for Ireland. What he said was, that legislation could not do everything. He said that the great work should be done by the resident proprietors themselves. He (Sir G. Grey) would not go any further into the subjects touched upon by the hon. Gentleman, as he did not wish to delay the House from the consideration of the next measure that was before them. Much of what the hon. Gentleman uttered against the Bill was not applicable to what his right hon. Friend had said, and it certainly did not redound very much to the hon. Gentleman's character for fairness. Utterly condemning, as he (Sir G. Grey) did, the want of fairness in the hon. Gentleman's speech, he could have wished that he had concluded it with an amendment, upon which the House might have had an opportunity of recording its opinion. He did not, however, regret his not having done so, as it would have occupied a good deal of time, and delayed them from the consideration of the Incumbered Estates Bill.

Mr. HORSMAN explained. He had quoted from Captain Hamilton, because he was a Government inspector and a proprietor of land in the Ballina union. And he had said that he was unable to let one inch of the land he had reclaimed, and that he was convinced not one single proprietor in Ballina would take a sixpence of the Government loan.

Bill read a second time, and committed for Monday next.

INCUMBERED ESTATES (IRELAND) BILL.

The SOLICITOR GENERAL moved the Second Reading of this Bill.

Mr. STAFFORD said, he highly approved of the measure now proposed. He thought all their legislation should be subsidiary to the passing of this Bill. He not only cordially supported it, but he thanked Her Majesty's Government for bringing it forward; and he entertained sanguine

hopes that it would effect all the advantages anticipated by its promoters.

Mr. J. O'CONNELL coincided in the views expressed by the hon. Member for Northamptonshire. The Government would accomplish a real benefit by having introduced the Bill, and the greatest good that could be conferred on Ireland would be to expedite its passage through the House.

Mr. GROGAN also approved of the Bill, but it would be insufficient unless it were accompanied by an entire change in the poor-law system. There were already more estates in the market than could find purchasers. He knew of one estate that had been lately sold for between ten and eleven years' purchase, although the title was perfectly clear. But the fact was, they should ensure purchasers against the incalculable liabilities under the present poor-law.

Sir H. W. BARRON approved of the Bill; but he should impress upon the House that more was necessary, and unless they went to the root of the evil, and altered the poor-law, so as to make the purchasers secure against their property being swallowed up by poor-rates, it would be useless to bring lands into the market. Within the last few days three estates had been offered for sale in Dublin : two could find no purchasers, and the third was sold at 60 per cent under what was considered by the best judges as its real value. He recommended the Government to weigh well the plan suggested by the right hon. Baronet the Member for Tamworth. Estates could not be sold at present in Ireland with the clearest titles; and unless some inducement were held out to purchasers, how did they expect that purchasers could be found by merely making the clearing of titles more easy ?

Colonel DUNNE could not agree with those hon. Members for Ireland who had so highly praised the Bill. He thought it a very faulty measure, and one which was entirely abrogating the law of the land. He did not think it wise or prudent to send into the country a board of commissioners with inquisitorial powers to search into the condition of any man upon whose property a debt might be secured, and whose creditor came before the board to demand a sale. He thought the plan unwise which would send into the market a large quantity of land at a moment when it was extremely difficult to find purchasers; and, above all, he should like to know who the commissioners were to be. Upon that would depend much of his objection to the measure. For instance, he would not trust himself to such a commission if the hon. Member for Manchester were to be one of the commissioners, after the sentiments which that hon. Member had expressed. Any man, from motives of spite or political enmity, could force a sale of an estate under this Bill, by merely buying up some small debt upon it. The right hon. Gentleman the Member for Tamworth had guarded his plan with an observation which had been unobserved by the Government, and the guard had been left out of the present Bill. The right hon. Baronet said, that owners of estates to be sold should receive the full value of them; but no such reservation was made in the Government measure. An hon. Friend of his (Colonel Dunne) was about to introduce an important clause into it, which he trusted would be finally carried. Its object would be to compel the new purchasers of land to reside upon the estates they should purchase. At present about 6,000,000*l.* a year was drawn out of Ireland by absentee proprietors; and as the difficulties of dealing with the subject hitherto had been very great, he hoped that this proposition would be found simple enough to provide at least for the prevention of future absenteeism. It was impossible but that such a constant drain must diminish the capital of a country. He was not one of those who believed that there were large masses of capital concealed in Ireland; and when the estates were brought into the market, he did not believe that many Irishmen would be found able to purchase them, even if they should be broken up into the smallest portions, to suit people of small capital. He thought the Irish estates would be bought up by speculators, and persons anxious to seize upon Irish property; and the result would be, unless some timely precautions were taken, that the land would get into the hands of non-residents, and the evils to the population would be increased. He hoped no hon. Member would vote for the Bill until Her Majesty's Ministers had declared who the commissioners were to be. He did not see why they should not at once declare that the Lord Chancellor of Ireland and the Master of the Rolls, who was one of the best equity lawyers in Ireland, should be two of the commissioners. There would then be some sort of security that the proceedings of the commission would be guided by some respect for the laws of the land.

Sir A. B. BROOKE approved of the principle of the Bill, and thought that the Government deserved credit for its introduction. Nothing was more important to the future prosperity of Ireland than the existence of some means for facilitating the transfer of property from those who were but the nominal possessors of it, to those who could really improve the land and employ the people. He would recommend the addition of a clause compelling absentee landlords to provide in some way or other for the support and employment of the labourers upon their estates.

Mr. TURNER assented to the principle of the Bill, but objected to some of its provisions, particularly to the powers given to the commissioners. He thought they ought to be instructed to have regard to the interests of the first mortgagee. As the Bill now stood, the owner of an incumbered estate might apply for a sale, and compel the mortgagee to go into the market at a most unfavourable time, and when his interest would be sacrificed. He did not mean to say that the mortgagee ought to be protected against public policy, but, as far as might be, consistently with public policy. The commissioners were empowered to call upon the mortgagees of every estate in Ireland to produce their title, and, if he understood the Bill rightly, to overrule the decisions of the courts of equity. They were not to be restrained in any manner in the execution of the extensive powers conferred on them. He thought there were cases in which an injunction ought to be granted, and the means afforded to the owner of retaining his estate, when it could be done with justice to the mortgagee. He threw out the suggestion for the consideration of the hon. and learned Solicitor General.

Mr. SADLEIR said, that when the hon. and learned Gentleman the Member for Coventry objected to the Bill as interfering with the Court of Chancery in Ireland, he should remember that that court had already had ample opportunity of applying its machinery to the evil, and that it was because it had failed that this measure was introduced, having for its object an economical, speedy, facile, and advantageous sale of incumbered estates. Last year he moved for a return of the number of decrees pronounced by the courts of equity in Ireland within the last five years, with the view of seeing the amount of property decreed to be sold, and contrasting it with the amount actually sold; and in that return he found that in the year ending the 9th of March, 1848, no less than 51 decrees had been pronounced by the Court of Chancery alone, and in the year ending March, 1849, no less than 69. Now, how far had the masters succeeded in selling the estates under those decrees? In Mr. Murphy's office, in the year ending April, 1848, only 15 sales had been effected; and in the year ending April, 1849, only six. In Mr. Brookes's office, in the year ending April, 1848, only seven sales had been effected; and in the year ending April, 1849, only one. Thus, while there had been a steadily increasing number of suits for the sale of incumbered estates, he found that in the offices of the Chief Remembrancer and the four Chancery Masters there had been a great decrease in the number of sales effected. This return alone sufficed to show the absolute necessity for some such measure as that before the House. But he hoped that no consideration would induce the Solicitor General to copy the Incumbered Estates Bill of last Session, under which every practical man knew it was impossible to sell incumbered estates. He hoped he would provide in this Bill for the repeal of that Act, reserving only those two or three valuable provisions contained in it. It was absurd to suppose that the proposed commission would expire in five, or even ten, years. They were now, for the first time, about to acknowledge the principle that purchasers of land should acquire a Parliamentary title, and it would be idle to suppose that any sales of estates could be effected except under the operation of that principle, and, therefore, through the commission; because, however good might be the title, there were always conditions which rendered it less clear or certain than the proposed Parliamentary title. In fact, it would be utterly impossible for the owners of estates for private sale to compete with persons selling under the operation of this Bill. As he read the Bill, the hon. and learned Solicitor General did not propose the sale of those short terminable interests held by middlemen, who formed so large a class in the south of Ireland. He thought it would be unjust to exclude them from the benefits of this measure; because if they offered them for sale in the ordinary method, they would be hampered by many conditions, which a Parliamentary title would supersede. They did not consider themselves proprietors or landlords of the

land; although they discharged many of the fiscal duties of landlords. He believed they were anxious to be denuded of the outward ostentation of being landlords, which in reality they were not, and that they felt that the tenant occupiers were getting more desirous every day of becoming the direct tenants of the owners. He thought, therefore, that some clause might be successfully introduced to enable the commissioners, where the owner in fee, and the parties holding the intermediate interests, were assenting parties, to extinguish those intermediate interests, and offer the property for sale in such a form as would be most likely to attract the English capitalist. He thought they might be commuted for some determinable rent charge. He was also of opinion that some provision ought to be made for partition in cases of coparcenary—2,000,000 acres of the land of Ireland being so held. He knew a case of property being held conjointly by three persons who had had a partition suit in the Court of Chancery for twenty-five years, without any immediate prospect of an arrangement. With regard to the powers of the commissioners, objected to by the hon. and learned Gentleman who spoke last, he thought they ought to be most extensive and summary powers, so as to enable them to enforce their orders with readiness, not only in Ireland, but in England and Scotland, where so many of the mortgagees resided. He was justified in urging the Government to render the Act such, that all parties connected with property in Ireland might be enabled to avail themselves of its provisions. It was possible that some incumbered proprietors, acting in conjunction with their creditors, and anxious to preserve their estates from coming within the Act, would be able to defeat it altogether, or, at all events, curtail the advantages expected to flow from the measure. He thought the power of putting the Act in operation should be given to other persons than those at present mentioned, otherwise the measure would be completely inoperative. If, for instance, there was a combination between the inheritor and the creditors, the Act might easily be defeated. Taking the Bill in conjunction with the Irish Poor Law Bill, lately introduced by the First Minister of the Crown, it might be assumed that it was the intention of Her Majesty's Government to empower the sale of a portion of the land for payment of the arrears of poor-rates now due. For his own part, he was entirely in favour of giving the most summary power for the recovery of arrears of poor-rates from the landlords. He meant those arrears due in respect of land, either in their own actual possession or in the occupation of such of their tenants whose rent did not exceed 4*l.* a year each. He knew there were many of his countrymen who considered it a great hardship that such extensive powers should be given for the recovery of poor-rates, and that landed proprietors should be held responsible at all for poor-rates. But it should be recollected that the vast sum of three millions sterling, collected last year for poor-rates and county cess, had been paid by the tenantry in actual occupation of the land, the majority of whom paid less than 15*l.* a year rent. The landlords had no reason to complain, perhaps, when it was recollected that the most stringent and extensive powers were conferred upon poor-law guardians, to have the rates collected where the annual value was over 4*l.* The goods, chattels, and bodies of the tenantry were liable where the annual value exceeded that sum. There was the greatest anxiety to meet the demand shown by the tenantry in Ireland; and he thought it was only justice to see that that portion which was payable by the landlords was enforced, and that every facility should be given for its recovery. He feared, as the Bill was now framed, there was not a sufficiently distinct and summary mode given to compel payment of those rates by the proprietors of land. The poor-law guardians or commissioners should be at liberty to proceed, in the civil-bill courts, for the recovery of those rates, where their amount was within their jurisdiction, and when beyond it they should be empowered to bring actions in the superior courts; when the proprietors resided in England that they might be proceeded against here, and on judgments being recovered, that those judgments might be transferred to Ireland, where they could be made available as liens upon the land. As to landed proprietors who resided on the Continent, or who took up their residences perhaps at Brussels or Boulogne, it would be difficult to proceed against them effectively, and much expense would be incurred. The very best mode to avoid injustice to any one would be to extend the jurisdiction of the assistant barristers' courts, and empower them to adjudicate upon all cases relating to poor-rates due by landed proprietors—the decree of the as-

sistant barrister to be registered in Dublin, and have the same effect as any judgment. That would put an end to the necessity or the opportunity of incurring costs in fruitless and harassing proceedings. With regard to the landlords' exemption from arrest for rates due by them, he had no wish to see them liable to be arrested. On the contrary he was satisfied to exchange their liability to arrest for the more rational modes of enforcing payment he had suggested. [The CHANCELLOR of the EXCHEQUER: To any amount?] Yes; and he assured the House, that if something like what he had suggested were not adopted, the whole project would be an utter failure. The Bill could never be made to work. The whole thing would break down for want of purchasers. It was in the power of the Government still to hold out inducements to parties to invest capital in the purchase of land in Ireland. There were many privileges and advantages that would operate as powerful inducements to capitalists to invest their money in land there, and those privileges might safely be entrusted to them. If proper inducements were given by the Government, Ireland would soon have the advantage of the investment of a large amount of that capital with which the city of London and this country generally was literally surcharged. If such alterations were made in the Bill as would render land an easily convertible security for parties willing to invest their capital in it, one of the results would be, that the resources of Ireland would soon become profitably developed, instead of rapidly retrograding to ruin, as they were at present.

MR. W. KEOGH would have contented himself with the expression of opinion which he gave on a previous occasion, had it not been for the observations which had fallen from the hon. and learned Member for Coventry, observations calculated unnecessarily to alarm the English mortgagees, and thus assist in raising up a formidable opposition to the Bill. His own unbiassed and honest conviction was, that the Bill was calculated to confer the greatest possible advantage on all classes in Ireland; and if he was to select any particular class as likely to experience peculiar benefit, it would be that of the incumbered proprietor entirely disabled from discharging the duties or realising the advantages of his property. He did not think that the objections urged against the Bill by the hon. and learned Member for Coventry were well founded. Every reasonable precaution was taken in the Bill to secure the interests of all parties. He was quite at a loss to understand why any objection should be made by any mortgagee to a cheap and advantageous mode of realising what was owing to him, looking at the difficulty which now existed on that point. Neither could he see why a Parliamentary title should not enhance the value of the property by four or five years' purchase, thus affording a chance that the proceeds would prove adequate to meet the claims both of the first and second mortgagee. The hon. and learned Gentleman stated that the Bill proposed to confer extraordinary discretionary powers upon the three commissioners to be appointed under it; now, in that respect, likewise, he had the misfortune of differing from the hon. and learned Member. As he (Mr. Keogh) read the Bill, the powers with which the commissioners were to be invested were reasonable enough. The directions given could not be more clear or specific. The ninth section required the commissioners to frame and circulate forms of application and directions, indicating the particulars of the information necessary to be furnished, on application to them. First, with reference to title; then, as to incumbrances, the special circumstances of the land, and such other information as in the judgment of the commissioners might assist them in forming an opinion on the application. The nineteenth section authorised the commissioners to direct notices to be given to, and to hear any parties interested in the land or lease; it further stated that they should investigate the title and the incumbrances affecting such lease and land, and the state and circumstances of the land, so as to enable them to determine whether it would be expedient that a sale of all or any part of it should be made; and if such a sale should be expedient, then that they should be empowered at their discretion to make an order for the sale of all or any part of such land, or of the land comprised in the lease. That was undoubtedly a very proper power to invest the commissioners with. Any person interested in the property might apply to the commissioners, and should be heard; specified notices to all persons concerned being given; and, after a strict investigation of all the circumstances, the commissioners exercised their discretion as to the expediency of a sale. There was not the least reason, therefore, for arriving at the conclusion that petty in-

cumbrancers, to the extent of a few pounds, might compel the sale of any property in Ireland. There was every possible guarantee that no such evil could arise, unless indeed hon. Members imagined that the most incompetent persons would be selected as commissioners. The hon. and gallant Member for Portarlington had adduced a very novel argument against the Bill. In comparing its provisions with the operation of the Court of Chancery, he stated that this court had fenced property by safeguards and protections which did not exist in the Bill before the House. So far, however, as he (Mr. Keogh) could understand the matter, the effect of these safeguards had been to prevent, by delay and expense, the realisation of those objects which the parties applying to the Court of Chancery had in view. He knew enough of the west of Ireland to induce him to say that, under the impression that Her Majesty's Ministers had no more comprehensive measure in contemplation than the present—and although he was far from saying that no other measure was needed—he was prepared to treat the question not as a legal question, but in a much broader view; and he trusted that no opposition would prevail against the Bill. The hon. and learned Gentleman then entered at some length into an explanation of the mode in which incumbered property was now managed through the instrumentality of the Court of Chancery. Not unfrequently receivers were appointed under a previous arrangement with solicitors, to throw as much as they could in their way in the shape of law costs. He had just been told, that in one union no fewer than nine estates were under the charge of receivers; and he was not surprised to hear that that union was one of the bankrupt ones. The hon. and learned Member for Coventry had spoken of the alarm which the proprietors of property felt at the consequences of the proposed Bill. Evidence, however, of a contrary feeling could be appealed to. He knew that the estates of the late Mr. Martin, in Connemara, extending to 196,000 Irish acres; the estates of Mr. O'Neil and others, amounting in all to 279,000 Irish acres, would be sold at the present moment if eligible purchasers could be found. He would appeal to those of his hon. and learned Friends who were best acquainted with the workings of the Court of Chancery, if they ever knew an instance of a proprietor who entered that court, coming out of it in a solvent state? Looking at the miserable condition in which Ireland was placed, he, for one, would gladly concur in the adoption of any measures which tended to extricate her from that condition.

MR. HENLEY observed, that they were all agreed in this—that it would be desirable to let loose the incumbered land in Ireland. The question was, how was that to be done with justice to all parties, and with little shock to the feelings of all parties. He thought the Irish Gentlemen had just reason to complain of the Government in this matter. In 1847, he knew that a representation had been made to the Government by persons in this country interested in Irish estates, and who then pointed out the advantage of giving to purchasers a Parliamentary title. That was very much pressed upon Government, and it was refused by Government. The great object of public policy in the present state of Ireland should be to let loose the land; but were they not by the Bill going beyond what was necessary to effect that object? An hon. and learned Gentleman who had addressed the House to-night stated, that decrees for sale were easy enough to be obtained, but the difficulty was to effect the sale. And how did they think that such a Bill as this would tend to induce persons to buy land in Ireland? After agreeing to give a man a Parliamentary title to an estate, see what a condition they placed him in, and if it would be an inducement to him to lay out his money in land in Ireland. The return of interest upon the investment of money in land was small; and the reason why persons were induced to lay it out in land was on account of the nature of the security. There was an idea that, owing to the law of England, a man could not be easily divested of his land; and that was one great reason why persons in buying land were contented with a less amount of return for their capital. But if they introduced into Ireland a new scheme for dealing with the land, as the hon. Member for Carlow had told them, they must extend it—they would not be able to stop here with this Bill—they must give it an almost permanent operation. It was in fact to be a kind of roving commission. Look at the mortgagee—see how they would treat him. The only security which he had was his parchments. They had been told that many of those parchment securities had gone out of the country; and how many more did they think would yet go out if this Bill were passed

into a law, and people were called upon to produce them? In his opinion, those persons would act wisely who placed them out of the reach of the court. He must say, therefore, going as he did fully with those who desired to let loose the land of Ireland, that the provisions of the Bill went beyond what was necessary to effect their own object; because all who had yet spoken in support of the measure agreed that there was a large quantity of land under decree for sale, and that purchasers could not be found. Was it necessary, then, to go beyond what they had power now to do? Let them give a Parliamentary title, and see if purchasers would come in and clear the land which was now for sale in the market. But if it were necessary to go beyond the law in the sale of an estate, in order to let loose the land, there could be no reason for taking the distribution of the fund from the ordinary tribunals of the country, unless they came to that conclusion to which he thought the Bill would fast bring the country—that the Court of Chancery must be swept away. He knew that, both in England and Ireland, there were many persons who thought that great reforms were necessary in that court; but if they took this great step, they must be prepared to go a step further, and either show the special grounds of exemption that were to take the distribution of the funds out of the ordinary tribunals of the country, or remodel those tribunals, or sweep them away. Another reason against the commission for distribution of the funds was this, that there would be a sort of *ex parte* inquiry by them before a sale was decreed, and it would be supposed by people that these commissioners had formed certain opinions of the rights of parties when they decreed a sale; and, therefore, would not come as an impartial tribunal to decide on conflicting interests in the distribution of the funds.

Mr. S. MARTIN admitted there was a good deal of truth in what had fallen from the hon. Member for Oxfordshire, when he said the Bill seemed to give a sort of roving commission. He thought there were some points in which it could be improved for the practical carrying out of the objects it proposed, and for the benefit of the country. He would propose to confine the power of the commission to the sale of land merely, and to hand over to the Court of Common Pleas the distribution of the funds arising from the sale — a court which would give universal satisfaction. He thought it would be found expedient to confer upon this commission power to inquire into all estates on petition being presented to them: first, into the value of the estate; and, secondly, into the amount of incumbrances upon it; and when these incumbrances should amount to a certain large proportion, that then, and not till then, should the commission have power to deal with that estate. The two functions proposed by the Bill to be conferred on the commission were—first, to effect a sale of the estate; and, secondly, to distribute the funds. The first was a function which might be discharged by many with great advantage to all parties interested in the estates in question; but the second, which was to decide upon the priority of charges, however simple it might seem to those acquainted with law, was yet one of the most intricate questions which could come before any tribunal. He proposed, therefore, that the three commissioners should be empowered effectually to discharge the first of these functions, so as to decree and complete the sale; and that the money, after deducting, say 3 per cent on the price, or 5 per cent, or whatever other rate was usually charged by a respectable auctioneer, for he would have the rate fixed for the expenses of the sale sent into the Court of Common Pleas in Ireland, where the distribution could be effectually and satisfactorily made. Another difficulty connected with this commission was this—that, while their powers should be defined and limited by the Bill, they might be found insufficient in certain cases, or in certain cases the commissioners might go beyond their powers. The consequence would be, that a prohibition would issue from the courts in Dublin to stay these proceedings; and that, once issued, would for ever paralyse their operations. To remedy that evil, he proposed to make the commission to all intents a court of record; and, that instead of any Parliamentary title being offered, their mere record, ordering and completing the sale of the estates, should be itself a protection against all previous charges. But, in his opinion, all this would operate only as a temporary relief, so long as they left the great source of most of the evils affecting landed property untouched. In Ireland the practice existed, and was universally pursued, of making a judgment a security for money given in loan. So different was the state of affairs in England, that, till the reign of Edward I., landed property was not subject to execu-

tion under the judgment of a court of common law; and from that time till the year 1838, only half an individual's estates were held liable to the effects of a judgment. In Ireland this was esteemed the most convenient kind of security, and accordingly these judgments were daily sued out without any intention of issuing execution; and these judgments affected the whole of the estates possessed by the proprietor, or that he may afterwards possess, and follow the estates into whatever hands they may fall. Hence, on purchasing estates, it was necessary to investigate, not merely what judgments might have existed against the last vendor, but every previous vendor might have judgments against him, and all things attaching to the property. The mortgage deed in England at once showed what lands, described by their boundaries and their locality, were subject to the charges; but in Ireland the securities he was talking of created a difficulty of investigation fiftyfold greater. He proposed, then, to meet this by enacting that judgments, unless levied in the course of one or two years, should cease to be of force. He hoped, with these provisions in operation, that Ireland would recover from her present adversity to a state of prosperity as great as was enjoyed by this country.

The SOLICITOR GENERAL said, the hon. and learned Member for Coventry seemed to have misunderstood the objects of the Bill. It was intended by the Bill to empower the commission to sell incumbered estates; but in order that they might do so speedily, it was necessary to disencumber them of those fetters and forms of the Court of Chancery which had interfered with the course of justice. In regard to what had fallen from the hon. Member for Oxfordshire, as to the mortgages, he wished the House to bear in mind that the title-deeds of an estate, which in this country were looked upon as of the greatest importance, were, in Ireland, of next to none; and what was called the legal estate was of no importance whatever. Hence it came that a mortgagor would never show his deeds. But then, the commission would act upon decrees of the Court of Chancery, where all the deeds and muniments had been produced and examined before the decree was pronoueced. Now, in the present state of Ireland, it was open to a mortgagor either to sell the property or to foreclose his mortgage, or to enter into possession; foreclosure, in fact, being but another way of entering into possession. Was it then desirable for him to enter into possession? A marketable title was a very scarce thing in Ireland, although a good holding title was more common. Would the mortgagor be benefited, then, if he were allowed to take one or other of the two courses he had mentioned? It was not desirable to take possession—it was little better to endeavour, in the present state of Ireland, to attempt to sell the estates with the deficient nature of their titles. One of the great difficulties in the way of a sale felt just now in Ireland was the difficulty of finding purchasers; but he believed their number would be greatly increased by the Bill before the House, which proposed to give the purchaser a Parliamentary title. He said it was intended to introduce several alterations and additions upon the Bill as it at present stood. It was intended to empower the commissioners to make a partition in the case of a sale of estates of undivided interest. It was further intended to give them the power of enforcing the contracts entered into for the purchase of estates, and also of rescinding these contracts under certain circumstances which might render that necessary. At the recommendation of the Lord Chancellor of Ireland, among other things, he proposed to enact that no prohibition should issue on mandamus against the commissioners out of any of the courts in Dublin. The commissioners would likewise have the power of making such rules and taking such measures as would be necessary to carry the object of the Bill into effect. The hon. and learned Member for Coventry would perceive a case perfectly analogous in that respect, in the case of the West India Commission, who had the utmost latitude in drawing up their own rules and regulations. The evils of the present system were owing to the practice with which the Court of Chancery, for its own sake, had circumscribed itself; and he would mention an illustration that had been sent to him a few days ago. An estate was placed in the court about twenty years since. Eight different suits were instituted for a sale, to which there were forty-five defendants. It was found that a good title could not be given under any one, and in 1843 a ninth was instituted, which, though an amicable one, had gone on for six years, and was not yet closed.

This evil arose from the mixture of the Chancery system with the peculiar tenure of land in Ireland, and unless the Legislature interfered with a strong hand, both owners and incumbrancers would be involved by it in one common ruin. A law analogous to that which he proposed had existed in Scotland for 200 years. Originally, under that law, estates were sold, after inquiry, into the incumbrances and their priority, but only with the consent of the owner. This, however, being found injurious, it was altered, so that estates could at once be sold, even though the owner objected; and all Scotch lawyers would say that it had worked admirably. No person would derive greater benefit from this Bill than mortgagees. Under the existing state of things they did not desire to obtain possession of the estates on which their money was secured; but whether they did or not, the measure would enable them to obtain more money and at a much earlier period than they otherwise would. It was an error to suppose that it would be in the power of an owner to suspend the proceedings under the commission — the very essence of the Bill being that the commissioners should proceed with the sale as speedily as they possibly could. The proposal of the hon. and learned Member for Pontefract for paying the money into the Court of Common Pleas could not be adopted without manifest injury; for the result of it would be, that the court having to administer Chancery law would adopt Chancery forms, and after a certain time it would fall into the same state of discredit as the Court of Chancery, because it would not be able to do justice to those persons who desired, through its agency, to obtain that to which they were justly entitled. With reference to judgments, a measure was in contemplation which would be introduced as soon as possible. No system of the description necessary to meet the evil could be complete which did not attack the law of judgments as one of its chief sources. With the hon. Member for Carlow, he desired to get rid as far as possible of the system of middlemen; and he thought the words in the 30th Clause of the Bill would be large enough to include them, but if not, they could be made adequate in Committee, so as to enable the purchasers of estates to come into immediate relation with the cultivating tenant. He agreed with the hon. Member for Carlow, that when "great and comprehensive measures" were talked of for Ireland, it was difficult to tell what was wanted. He believed it was a series of measures, gradually introduced, analogous to that now before the House. But such measures were not very easy to frame. They required much care and attention. He did not pretend to say that if all those before the House were carried, or even those relative to judgments, a great deal would not have been done. A step would have been taken in the right direction; but much would remain to be done. By the present Bill a perfectly clear and free title would be given to a certain amount of land in the first instance, and it would be found, if two estates were to be sold—one under this Bill and the other not—that the one purchased under the Bill would bring a better price than the other. But it was manifest that when the land was once emancipated from encumbrances, a recurrence of them must be prevented in future. This, he was satisfied, would not be accomplished until there was a perfect system of registration for titles and incumbrances; and a great advantage was that such a system must be begun at once with the land sold under this Bill, because the whole of the previous register would be swept away. By such measures the people of Ireland would be taught to feel the advantages of law, and the benefits of a paternal government. All their interests would lie in supporting government and law; there would no longer be any talk about a repeal of the Union, and agitation would cease to exist. For himself, he claimed no merit whatever in the proposition of this or any other measure; but on the part of Her Majesty's Government he claimed for them the merit of having been desirous to receive suggestions from all quarters calculated to be of benefit to Ireland. He claimed for them the merit of carefully considering those suggestions, and of carrying them out, as far as they were practicable, with the sole view of securing the amelioration of the country, totally regardless of all questions of party or politics.

Mr. NAPIER would not oppose the Bill in that stage; on the contrary, he would endeavour in Committee to make it more perfect; but he reserved to himself the right of accepting or rejecting it as a whole upon the third reading. He concurred with the Solicitor General that the multiplication of judgments and the delay of justice were great evils; but he main-

tained that they were caused, not by the Court of Chancery of Ireland, but by the Imperial Legislature. The multiplication of receivers by judgment creditors was a crying evil also; and another evil was, conferring on the judgment creditor the same power as if he had an equitable charge on the land. These things were not at all in the practice of the Court of Chancery, but had been created by law. There were two classes of suits in the Courts of Chancery in Ireland, which it would be for the benefit of the country to have altered, namely, administration suits and creditor suits. They were serious evils to property in Ireland. If the Court of Chancery was rectified in these cases, there would be no occasion for a court of commission. The Bill gave a co-ordinate and even superior jurisdiction to a new court; and the House had not been shown that the Court of Chancery under such circumstances would not be sufficient to carry out its provisions. Unless that was done, the necessity for that new court was not proved. He (Mr. Napier) admitted that the Bill should be looked upon in a common-sense view as well as in a professional manner; but it should also be looked upon as regarded the administration of justice and the benefit of Ireland.

Bill read a second time, and committed for Monday next.

DEFECTS IN LEASES BILL.

The SOLICITOR GENERAL, in moving the Second Reading of this Bill, said that it was one of considerable importance in cases where a lease was made under the exercise of a power given to any person having a limited interest given either by deed or will. There were two defects—one where the number of witnesses was not sufficient, and the other where the lease was executed under a power given by will and not by deed. In both of these cases the Court of Chancery supplied the omissions; but there were other defects to remedy, which the Court of Chancery was not in the habit of interfering with, and which were only taken advantage of for purposes that he might say were not honest ones. For instance, a person having certain property on the banks of the Thames, the tenant for life, in connexion with the remainder-man, obtained an Act of Parliament to authorise the granting of building leases, with the usual proviso of the best rent being reserved in the leases. In the leases a peppercorn rent was reserved for the first year, the rent in future years being proportionably higher, in consequence. But the peppercorn rent not coming under the term "best" rent in the Act of Parliament, the leases became invalid, and the tenants forfeited their capital expended in building. The present Act provided a remedy for that and other injustices; and another Bill which he intended asking the House to read a second time also, would extend even still greater facilities to the granting of such leases in Ireland.

Bill read a second time, and committed for Monday next.

GRANTS OF LAND (NEW SOUTH WALES) BILL.

On the Motion for going into Committee on this Bill,

MR. HAWES stated, in answer to a question from Mr. Scott, that the object of the Bill was to remove some doubts which existed respecting the validity of certain grants made some years ago in New South Wales.

MR. SCOTT wished to know if the Bill did not affect the validity of grants of land made in the Port Phillip district?

MR. HAWES said, that the Bill applied only to certain local grants, of which the titles had not been issued, and without the sanction which the present measure would give, the act of the local legislature, authorising the grants, was considered to run counter to the general act of the Imperial Legislature.

The House having gone into Committee,

MR. SCOTT expressed his dissatisfaction at the explanation given, and said that his impression was, that in settling the doubts as to title in one part of the colony, the Bill would raise far greater and more serious doubts with regard to title in the Port Phillip district.

SIR G. GREY said, there was no occasion for the apprehensions expressed by the hon. Gentleman. The matter had arisen out of certain grants of land made by Governor Darling, with respect to which doubts had arisen whether or not these grants were valid. The Legislative Council had passed an Act for the purpose of removing those doubts, and confirming the grants; probably not reflecting that the power of doing so did not rest with them. When the Act came home for ratification, the legal advisers of the Crown gave their opinion that the act of Council was invalid, but that as the object was clearly a beneficial one, a Bill ought to be brought into

the Imperial Parliament to effect this object. That was the purpose of the present Bill, and it was impossible that any doubt could be thrown on the legality of other grants.

House resumed.

ATTACHMENTS, COURTS OF RECORD (IRELAND) BILL.

Report considered.

MR. GROGAN rose to propose a clause, which was to give compensation for the loss of their offices to Mr. Butler, the Marshal of the Record Court, and three sergeants-at-mace, who had held their offices, the youngest for fourteen and the eldest for thirty-two years. They had all been duly, legally, and regularly elected by the corporation of Dublin, and therefore they were entitled to compensation. In proof of this, he was proceeding to cite the analogous cases provided for in the Counties Courts Act, when

MR. SPEAKER reminded the hon. Gentleman that a Motion for compensation could not be made when the Speaker was in the chair.

MR. GROGAN then moved that the Bill be recommitted for the purpose of proposing his clause.

MR. REYNOLDS said, he had been obliged to read the clause twice over before he could believe that his hon. Colleague was serious. It now appeared, however, that it was no joke, and with the leave of the House he would explain the matter. In 1841 the corporation of Dublin was reformed. Perhaps he ought scarcely to say that it was reformed, for many of the privileges originally in the Bill were curtailed, and many provisions were added which only tended to embarrass the corporation. Among these was this case of compensation. One of the present claimants, Mr. Judkin Butler, then filled the office of city marshal. He was dismissed by the new corporation—he would not state on what grounds, but it was certainly not for his good behaviour. He claimed compensation under the Act, and the city of Dublin awarded him a compensation of 250*l.* a year. Mr. Butler was dissatisfied, and appealed to the Lords of the Treasury, his political friends being then in power, and they awarded him for the loss of his office the sum of 464*l.* 7*s.* 4*d.* After Mr. Butler was dismissed from his office of marshal of the city, the Recorder conferred upon him the office of Marshal of the Record Court, at a salary of 400*l.* a year. It was an office over which the corporation had no control whatsoever; and the Bill, moreover, did not abolish the office at all. The Bill merely proposed to enact that, from and after the passing of the Act, the system of attachment out of the Record Court should cease, and the proceedings should be rendered analogous to proceedings in the Court of Queen's Bench, Exchequer, or Common Pleas. The system of attachment in the Record Courts of Ireland was infinitely worse than the Palace Court system in London. He would give an example. He held in his hand a writ with the return upon it. It was an attachment issued against a widow, named Catherine Brady, for a debt. Furniture valued at 36*l.* was seized and sold. The costs were 4*l.* 6*s.* 10*d.*, and the return upon the back of the writ was, that the goods had been sold for 4*l.* 10*s.* 9*d.*, and that the marshal (Mr. Judkin Butler) had handed over to the plaintiff 3*s.* 11*d.* For the sake of peace, he had consented to assist the hon. Gentleman the Member for Athlone in obtaining some compensation for those persons out of the Consolidated Fund. But when the Chancellor of the Exchequer declined to accede to the proposition, the hon. Gentleman tried to quarter them upon the citizens of Dublin. The improved feeling of society had done away with executions in Dublin, and it was rumoured that the hangman was going to claim compensation; and, after all, it would not be a more preposterous one than that of Mr. Butler. He had never heard of a more monstrous proposition than that the corporation of Dublin should have to compensate the officer of a court over which they had no control. He (Mr. Reynolds) would as soon give compensation to a parcel of highway robbers. He protested against the attempt to defraud the citizens of Dublin, by making them pay those cormorants of the Record Court.

MR. W. KEOGH said, that the hon. Member for Dublin had said, he would as soon give compensation to a parcel of highway robbers as to those cormorants of the Record Court, and at the same time he admitted that he had attempted to obtain compensation for them out of the Consolidated Fund. He had accompanied him (Mr. Keogh) to the Chancellor of the Exchequer to obtain compensation for them, yet he now called them cormorants of the Record Court, and said he would as soon think of giving compensation to a parcel of highway robbers. The former Member

for Dublin (Mr. O'Connell) was the very first man who supported in the House the giving of compensation to the officers of the old corporation. What were they to think of the present Member, who endeavoured to prevent compensation being given to men, the average of whose ages was 65 years, and one of whom was 73 years old?—and, not contented with doing so, he must also scatter slander upon their hitherto unimpeachable characters. On turning to the case of Mr. Judkin Butler, it appeared that that gentleman—and he was a gentleman by birth, education, and conduct—who was said by the hon. Member for Dublin to have been dismissed for no good conduct, had been removed, and Mr. Thomas Reynolds. brother of the hon. Member, appointed Marshal of Dublin in his place. So that he had been removed to make way for the hon. Member's brother.

After a few words in explanation from

Mr. REYNOLDS,

Sir W. SOMERVILLE opposed the clause. It was a claim upon the corporation of Dublin, of which due notice ought to have been given.

Debate adjourned till Friday, 25th May.

The House adjourned at a quarter before One o'clock, till Monday next.

HOUSE OF LORDS,

Monday, May 14, 1849.

Minutes.] Public Bills.—1ª Consular Expenditure Act Amendment.

Petitions Presented. By the Bishops of Ripon and London, from a great Number of Parishes in London, and other Places, for the Suppression of Seduction and Prostitution; also from the National Institute of Medicine, in favour of Medical Reform.—By the Earl of Stradbroke, from Places in Cornwall and Essex, and several other Counties, complaining of Agricultural Distress, and for a Repeal of the Malt Tax.—By Lords Brougham and Wharncliffe, from Halifax, Huddersfield, and Ripon, against the Bankrupt Law Consolidation Bill.—By the Duke of Argyll, from Edinburgh, and several other Places in Scotland, for the Enactment of a Law allowing a solemn Affirmation to be substituted in lieu of an Oath. —By the Marquess of Londonderry, from Newtownards, against the Rate in Aid Bill.—By the Earl of Carlisle, from Lancashire, for the Establishment of a general System of Secular Education; also from Bradford and Woolwich, for the Protection and Relief of Clergymen seceding from the Established Church.

PORT PATRICK AND DONAGHADEE.

The Marquess of LONDONDERRY rose to ask a question of the noble President of the Council, on which he had been obliged to trouble their Lordships often before, but on which considerable doubt and uncertainty still prevailed. He was informed that Her Majesty's Government were at present about to abandon the packet station in the north of Ireland which was used for the purpose of conveying the mails between Port Patrick and Donaghadee. He showed on former occasions, when this subject had been under discussion, the reports of the different Committees appointed to examine into it, as well as the opinions of the naval officers best acquainted with the facts, had all been in favour of keeping up that station. Moreover, the opinions of the First Lords of the Admiralty during three successive Administrations had been given decidedly in favour of our keeping up those harbours, as the best calculated to convey information in the shortest time between Ireland and Scotland. He did not complain of the arrangements made for the sailing of packets from other quarters; he only complained of the intended abandonment of those harbours. In former years, by granting votes in driblets for their improvement, expectations had been raised that the stations would not be abandoned; but now he was told that they were forthwith to be given up, and the reason was, that it would accelerate the mails if the communication were between Glasgow and Belfast. Now, he had some reason to believe that this change had not been made for such considerations, but for considerations purely political. He had recounted all the circumstances to the First Lord of the Admiralty, and yet he had stopped the improvement in these harbours altogether. He complained that if you went to the authorities at the Post Office on this subject, you were referred to the Admiralty; and if you went to the Admiralty, you were then referred to the Treasury; and that, after all, you got no material information for your pains. Their Lordships were then going to impose a rate in aid upon Ireland for the relief of the destitute. At present a number of poor persons were employed in improving the works of the harbour of Donaghadee; and if the present grant of 10,000*l.* were withdrawn, there must be a great increase of destitution in that vicinity. He was therefore of opinion that it would not be a wise economy to stop the communication between Ireland and Scotland which was now carried on by Port Patrick and Donaghadee. It was said that when the railways now in contemplation between Kirkcudbright and Wigton and the Caledonian Railway were completed, you might send letters to Dublin more quickly than by the present route. The noble Marquess read a letter on this

subject, and concluded by stating, that if he did not receive a satisfactory answer from the noble Marquess to his question, he should certainly move an address to Her Majesty, praying that She would be graciously pleased to give instructions that the works at Port Patrick and Donaghadee be continued.

The MARQUESS of LANSDOWNE would do no more on this occasion than give a brief answer to the question of the noble Marquess. The Government had satisfied itself that it would not be authorised in allowing any further expenditure for the harbours of Port Patrick and Donaghadee. Ministers were convinced that the communication between Ireland and Scotland could be carried on more rapidly and conveniently by Belfast and Glasgow than by Port Patrick and Donaghadee.

The MARQUESS of CLANRICARDE had no wish to disavow that he had advised the Treasury and the Admiralty to reduce these packet stations. Without saying a word upon the money expended upon them before, he would merely inform the House that there would be a clear saving of 4,000*l.* a year to the public, and the communication would be better carried on by a better channel. Any further expenditure on the harbours of Donaghadee and Port Patrick would only be throwing good money away after bad. The public had given a decided proof of what they thought the best means of communication; for the traffic and the passengers conveyed in the packets from Port Patrick to Donaghadee had been diminishing for some years past, whilst both had been increasing in the same time in the packets between Belfast and Glasgow.

The MARQUESS of LONDONDERRY thought that the decision of the Government on this question had been hastily and incorrectly formed. Did the noble Marquess believe that if the railways were carried on from Port Patrick, the communication between Belfast and Glasgow would be more rapid than it would be in that case between Donaghadee and Glasgow? If the harbour at Port Patrick were not attended to, it would soon be filled up with sand.

FOREIGN INTERVENTION IN ROME.

Lord BEAUMONT, in rising to ask the questions on this subject, of which he had given notice, respecting the interference of France, Austria, and Naples, in the affairs of Rome, said, he must throw himself upon the indulgence of the House, and ask a favour which he would not have asked under ordinary circumstances. It was, that their Lordships would keep sufficient silence to hear him; for it would be impossible for him, suffering as he did under severe hoarseness, to make himself intelligible if the conversation which was so often carried on within the walls of the House, were either continued by their Lordships, or were maintained by those in other parts of the building not reckoned within the House. To that appeal to their Lordships' indulgence, he would also add another—that they would allow him to recapitulate, as briefly as possible, before putting the question he was about to ask, all the events which had led to and produced the present strange and alarming state of things in Central Italy, which rendered it absolutely necessary that these questions should be put to, and that some statement in reply should be given by, Her Majesty's Ministers. As far back as the very hour in which the present Supreme Pontiff ascended his throne, circumstances took place which, in the opinion of all men acquainted with the condition of the country, were sure to lead inevitably to the results which they had recently witnessed in the Roman territory. It was known to all who had studied the recent history of Italy, that the misgovernment of the Roman territory, under the pontificate of successive Popes, had brought that country to such a condition that nothing but the strong hand of a stronger power than that of the Papacy, could prevent it from rising in insurrection. That stronger power was Austria, who, although she had shown by her remonstrance in 1832 little admiration of the system on which the Papal Government was conducted, exerted herself to check the frequent attempts on the part of the people to throw off the yoke of an ecclesiastical thraldom, and thus enabled Rome to persist in its abuses. During the pontificate of Gregory XVI. the prisons were so crowded that they could scarcely admit additional inmates, and the result of all this misgovernment was, that the whole feeling of the country was alienated from the Pontifical Government. The moment the present Pontiff mounted the throne, the question arose in his council whether they should continue to pursue the line of policy followed by his predecessors, or should grant some modification of the system for the purpose of preventing an outbreak. The latter advice was adopted; but the

difficulty of carrying out that advice in the Papal States was so great, as well as so different from that which would have attended the carrying it out under any other absolute Power, that the wisest persons in Rome saw, that if the least concession were once made, it would undoubtedly lead to the final separation of the temporal from the spiritual dominion of the Pope. An attempt was, however, made to adopt a more liberal policy, but in a manner of all others the most impracticable. There were to be secular councillors and a sacerdotal Government, a consulta of laymen, but a cabinet of priests. The consequence was inevitable; the priests would not consent to be guided by the laymen, and the laymen demanded to have a voice in the Legislature. The Pope, however, adhered to his original resolution, that no concession should be made which in the slightest degree touched upon his temporal power, and that no change should be attempted which created anything like a lay secular jurisdiction. He made, however, this concession, that a secular council should assemble and debate upon the measures of the Papal Government; but, at the same time, every thing like an initiatory power was taken from them; and any attempt to exercise such an initiatory power was looked upon as a violation of the rules of the spiritual Government, and of the leading principles of the Roman policy. No sooner had this phantom of a constitution been granted to the Roman people, than in all the surrounding States of Italy a revolution took place. In this state of things, the Roman people came forward and claimed the privileges conceded, voluntarily, in some instances to their neighbours, but extorted by force in others from the weakness of their rulers. They asked for the same liberty which had been granted to the Neapolitans; but to such a concession the whole body of the Cardinals was opposed, for they believed that no concession could be made to the people without a concession tantamount to the destruction of the ecclesiastical character of the Government. [The noble Lord was now indistinctly heard. His Lordship was understood to refer to the new constitution granted by the Pope to his subjects in March, 1848, and the formation of a liberal Ministry in May.] His Lordship proceeded to say, that all the circumstances showed that anything deserving the name of a constitution which Pius IX. had granted to the people, was given against his will, and against the advice of the Cardinals, and with a certainty and conviction on his part and theirs that it would lead to the consequences which had happened, and which many of them foresaw; and also with the reservation (he was not speaking of any merely mental reservation), but the apparent, if not avowed intention, that whenever a fitting opportunity occurred, every step which they had taken in advance should be retraced—that the supremacy of the clergy in the Roman State should be maintained in all its original vigour—and that the laity should be deprived of and remain without any of the privileges which had been conceded to them. The hour, however, was not ripe for such a complete retrograde movement. Conformably to the advice which he had received from foreign Courts, the present Pope called to the head of his councils, not the man who deserved his confidence as well as that of the country, by his integrity, his previous services, and his knowledge of the constitutional course recommended by civil liberty well understood, but a man who possessed many high qualities, but who was considered as a foreigner by the Romans, and as a tool of the monarchical party in France by the rest of Italy. Nor were his antecedents such as were likely to gain him much influence with the priesthood, for he was one who, on account of his religious and political opinions, had been exiled from Rome—who had been branded as a rebel — who had been excommunicated as a heretic—who had abandoned the Catholic religion, and professed another—who had forsaken his own country, and had become the inhabitant and citizen of another country—and who had been employed as the ambassador of that country to the Court of Rome, which it considered a foreign State. That person, with such qualifications, had been recommended to the Pope as his Minister by a foreign State; but his advice soon appeared to be as unwelcome to the Pope, and as adverse to his views, as it was unwelcome to the Cardinals, and adverse to their views. His first attempt was to retrieve the finances of his country, and he saw no other mode of accomplishing that object than by mortgaging the estates of the Church; and with that view, he was proceeding to enter the Capitol, when he fell by the hands of an assassin, and thus brought unmerited disgrace on those who were opposed to him as Minister. He deplored the death of M. Rossi, and deplored it deeply. It was an event which

stood by itself—it was completely isolated; and, though he must admit that some joy was expressed in Rome at this monstrous crime—and he admitted that all who expressed that joy must be considered as participators in that monstrous crime—yet he had evidence sufficient to convince the most incredulous of their Lordships that not one of the men who afterwards succeeded to power evinced any joy at that atrocity; on the contrary, they lamented it deeply, not only for the sake of M. Rossi himself, with whom they were in the habits of intimacy, but also because they saw that it was an event which would delay the success of that cause in which they were embarked. The moment that M. Rossi fell, the Cardinals endeavoured to avail themselves of that opportunity to retrace their steps and to regain the privileges which they had been obliged to abandon; a plan was drawn up and agreed upon which had no other object, but fortunately it was discovered in time. The people rose in indignation. They did not wish to drive the Pope from his throne—they went to the steps of the Vatican, and implored him to stay in Rome, asserting that if he would, they would sacrifice their lives rather than a hair of his head should be injured; but they asked him at the same time to send away the foreign forces on which he relied; they insisted that he should disband the Swiss regiments, and that he should renew the oath to stand by the constitutional form of government which then existed. The Supreme Pontiff declined to do this; for that form of government allowed laymen to take the initiative and to propose measures, and he could not answer for the results that might follow the establishment of such a principle. He therefore refused, rightly, no doubt, in his own conscience. He was then advised by some of the parties by whom he was surrounded to quit Rome. His flight, if he had given notice of his intention, in all probability would not have been prevented. No attempt beyond entreaties would have been made to arrest it. But, instead of ascertaining the wishes of his countrymen, he adopted other advice, and fled from Rome in disguise, which showed a strange want of confidence in his subjects, and strangely inconsistent with his dignity.

LORD BROUGHAM: Had the assassins of Rossi been arrested at that time?

LORD BEAUMONT had heard the observation of his noble and learned Friend. Though generally he respected what fell from the noble and learned Lord, he regretted to tell him that on this subject, as indeed on many others, it was impossible for any man to fathom his ignorance. His assertions, one after another, were inconsistent with themselves, and contrary to fact; and it would not be long before he heard from those whom he had slandered, that his assertions were falsehoods, and before he would be called upon to contradict or retract them. ["Order, order!"]

LORD BROUGHAM: I have allowed the noble Baron to go on without interruption in one of the most irregular speeches which I ever heard delivered in this House.

The EARL of WICKLOW: There is no irregularity.

LORD BROUGHAM: No irregularity?

The EARL of WICKLOW: Not in his speech.

LORD BROUGHAM: There is irregularity, and the gross irregularity is this—the noble Baron puts a question, and prefaces it by a long speech, which is perfectly irregular.

The EARL of WICKLOW: It is done every day.

LORD BROUGHAM: The only office of a speech is to introduce a question, and to make it intelligible to the Government, which has to answer it. But to make a long speech, and to refer to former debates, and to say that any noble Lord's assertions are falsehoods, is a course so irregular that I never saw it taken in this House before; and I receive the statement just made, from whomsoever it comes, with the most absolute contempt.

LORD BEAUMONT: I am now doing what the noble and learned Lord admits that I am strictly entitled to do. I am making a statement to render my question intelligible; and if my speech be longer than it otherwise would have been, it arises from erroneous statements of the noble and learned Lord.

LORD BROUGHAM: My Lords, I ask whether it is either regular or orderly, even according to the laxest rule of order, for any noble Lord, on the information of an Italian, I know not whom, to accuse another Peer of Parliament of having delivered falsehoods to the House. I will pin the noble Lord to that expression of falsehood. He may either explain it, or retract it, or apologise for it; not, indeed, to me, because I despise it, but to the House, whose orders he has violated.

LORD BEAUMONT: Certainly, I did use the word "falsehoods," but I never meant to insinuate, and I never thought, that they were falsehoods of the noble and learned Lord. The noble and learned Lord's informants had induced him to believe slanders against the leading men of Rome, which were totally devoid of truth. Whatever be the violence of his language, I have too much respect for the noble and learned Lord, even in moments like these, to assert that he would state anything like falsehood wilfully, knowing it to be so. "Falsehood" was too strong an expression to use. But, if I had used a milder form of words, it would only have meant the same thing. I might have said that, in making such an assertion, the noble and learned Lord was misinformed, but, after all, my meaning would have been the same. I think that the word "falsehood" ought not to have been used, and if it did escape my lips I willingly apologise to the noble and learned Lord, if he imagines for a moment that I applied it any way to him. What I meant to say was this, "that many statements had gone forth on these subjects not in accordance with truth," and that the noble and learned Lord had, for want of better information, adopted these statements. I was going, before I was interrupted, to say that the Government of the Pope took no steps to arrest the assassin of M. Rossi, but that the first step taken by Mamiani, who succeeded to his power, was to endeavour to arrest the assassin, and to bring him to trial before the ordinary tribunals. Immediately afterwards every attempt was made by the Provisional Government to establish a reconciliation between the Sovereign Pontiff and his people, and to prevent the interference of foreign Powers in the affairs of Rome. Those attempts were met by the Pope in the harshest manner imaginable; and in the Court of Gaeta intrigues were carried on by the Cardinals to insure that which all sensible men deprecated—foreign interference. He had understood that a scheme had been devised by Austria whereby Spain and Naples were alone to interfere, while Austria and France stood by and merely looked on. Each Power in this interference was looking to its own interest, and its own interest alone, and whilst they were undecided the Roman Republic was proclaimed. It was proclaimed by the universal suffrage of the people, and thus the wishes, intentions, and voice of the people were distinctly made known. Though it might be doubtful whether the number of real republicans was very great at Rome, yet there was no doubt that the number of persons was very large who wished the secular power to be taken out of the hands of the clergy, and to have a lay Government established. Whilst things were in this situation, whilst the whole country was in profound tranquillity, whilst all the provinces within the Roman territory were anxiously expecting that peace and reform should take place, at that moment the French suddenly sent an expedition from Toulon, landed at Civita Vecchia, and there issued a proclamation which completely deceived the Roman people, and led them to consent to the unresisted occupation of that port. In their first proclamation they said that they came not to impose any form of government, but merely to resist the interference of Austria. As this was in accordance with one of the ruling principles of the constitution established in France, of course, the Roman people believed it; and thus they received the French as friends rather than as enemies. But, on the advance of the French to the city of Rome, they issued a proclamation of a very different character. A spirit of resistance sprang up and speedily organised itself. Notwithstanding that there was a strong party at Rome, which would have supported the Pope as a constitutional Prince, yet, as soon as it was known that the French came to restore the Papal power in full ecclesiastical ascendancy, all Rome was against them. He said that it was impossible to restore the pure Papal Government at Rome without destroying liberty, and establishing a pure absolutism in its stead. In making that statement he was speaking the sentiments of millions of Roman Catholics, who held that the temporal and spiritual power of the Pope ought to be separated, and that the Government of Rome should not be conducted entirely by the priesthood. Having made some further allusion to the two proclamations issued by the French general, the noble Lord said he would now ask his noble Friend the President of the Council, whether any communication had been made to our Government by that of France of its objects and intentions in occupying the Roman States, for he could not for his life discover what those objects and intentions were? What their object was, whether it was the general good of Europe, as connected with the preservation

of general peace, or the natural ambition of that great State to play the leading part in the restoration of the Pope, or the consequence of an agreement with the other Catholic Powers of Europe, he could not tell. His next question would relate to the proceedings of Austria. He did not know that Austria had yet violated the Roman territory. He knew that she had entered the States of Tuscany; but in that case there were certain arrangements which gave Austria the right in certain contingencies to interfere in the affairs of Tuscany. He did not know, he repeated, whether Austria had yet violated the Roman territory; but she was the last Power from which, after all her recent protestations against interference, he could have expected any interference in a struggle between a foreign sovereign and his people. Another Power also had interfered, the King of Naples—he who had over and over again protested against any interference between him and his sacrificed subjects in Sicily. Whatever might be his motives, he had unquestionably violated the privileges of an independent State, and by marching against Rome had committed a grave offence against the law of nations. Therefore it was that he wanted to know whether any communication had been received by our Government from the King of Naples as to his object in joining in this expedition? And, further, he wanted to know whether our Government had taken any measure in concert with foreign Governments on this subject; or whether it preserved a strict neutrality throughout the whole proceeding? Again, whether it had demanded information, or whether it remained ignorant—whether it had protested against, or whether it had approved of, what had taken place?

The MARQUESS of LANSDOWNE said, he had been extremely unwilling to interrupt the *resumé* of past events with which his noble Friend had prefaced his questions, and which, in his opinion, were necessary to render them intelligible—the only view in which his remarks could be considered regular. But, after what had fallen from his noble Friend that evening, he must say that this was not a fit time, nor the present a suitable occasion, to enter into a retrospect of the events which had recently occurred in Rome—events which had agitated, more or less, the public mind in that country, and which were connected with the deplorable tragedy which had been perpetrated in the Capitol. He would not enter upon such a discussion, as it was not necessary at present for their Lordships to come to any decision upon them. He should therefore neither confirm nor impugn the accuracy of the statements of his noble Friend. But as to his questions, which were perfectly legitimate questions, he would endeavour to give a short and distinct answer. His noble Friend had asked whether Her Majesty's Government had received any communication from the French Government as to its intentions in occupying portions of the Roman territory. To that he answered that an intimation to that effect had been communicated to Her Majesty's Government on the 21st of April last. Through the medium of the French Ambassador, an intimation was conveyed to our Government that it intended to send a French force to Civita Vecchia, and it was accompanied by a declaration, which there was no reason to doubt at the time, that the object of France in sending that force was to promote the general peace of Italy, and the re-establishment of a constitutional and regular Government at Rome. That communication had been made to our Government, and no disapprobation had been expressed of it, because there was, in his opinion, no reason to disapprove of it. The expedition was not suggested by the English Government, nor was any concurrence in it communicated to the French Government. That communication, he ought to state, was limited to the occupation of Civita Vecchia by a French force. Nothing was said about the march to Rome; and he was led to believe that it was a suggestion of the commander of the French forces, and did not proceed from any instruction which he had in the first instance received from his Government at Paris. That was the answer to the first question of his noble Friend. With regard to the questions respecting the assumed invasion of the Roman territory by Austria and Naples—for he was not aware of any actual invasion made by the forces of those Powers—he had to state that no communication whatever had been made on the subject to Her Majesty's Government by the Governments of Austria and Naples. Of course their Lordships might anticipate, after what he had already stated, what answer he had to give to the last question of the noble Lord, as to whether Her Majesty's Government had taken any part in promoting this tripartite invasion; and he had distinctly to answer that Her

Majesty's Government had taken no part in promoting or in sanctioning it. In reference to a question put by the noble and learned Lord opposite on a former occasion, with respect to the disposal of objects of art in Rome, for the purpose of promoting the service of the existing Government there, something had been misunderstood in his reply: he would take the opportunity of repeating what he then stated, which was to the effect, that he had no information whatever of objects of art being so disposed of; that he thought it improbable that larger works could be removed without the fact being well known; and, with respect to the smaller works of art, he was not aware that any had been removed, yet it was more probable that some of them might have been taken away without the fact being known.

The EARL of ABERDEEN thought that, considering the interest and importance of the events which had been brought under their Lordships' notice, their Lordships had a right to expect a rather more distinct and precise statement than the noble Marquess opposite had favoured them with. The noble Marquess said, that a communication had been made by the French Govermnent, and that they had intimated that the object of the expedition to Civita Vecchia was to preserve the peace of Italy, and to effect other general objects of beneficence. But surely the noble Marquess, before he could have approved of a step which brought 20,000 French troops into the centre of Italy, must have received some more explicit explanation than such a vague and general intimation as he had that evening communicated to their Lordships. He had no wish to criticise hostilely the conduct of the French Government; but in looking at the explanation which had been given of this proceeding, and referring to other means of information proceeding from official quarters, which conveyed explanations which it appeared were not given to Her Majesty's Government, he found the Prime Minister of France saying that the object of this expedition was to maintain the legitimate influence of France in Italy, and to contribute to establish good government for the Roman people. Surely objects such as these would require the presence of a French force in Italy for ten years just as probably as for a single year. How were they to know when the "legitimate" influence of France would be satisfied, or when a Government would be formed in Italy which in the opinion of the French nation would be considered a good Government? Then he found that the French general in command stated in his order of the day, that the object of the expedition was to establish good government, and also to prevent the Romans from being subject to a foreign force. Why, one would have thought that a French force was as foreign in Italy as an Austrian force; indeed, rather more so, as the connexion between Austria and Rome, as Italian States, had been more intimate of late than that between France and Rome. If this were so, surely an expedition of this kind could not be a matter of indifference to Her Majesty's Government or to their Lordships; and when the noble Marquess said that the Government neither approved nor disapproved of it, something more decided might have been expected than such a negative expression. With reference to a question of such vast importance, and likely to have such important effects, it was the duty of the Government either to protest against it, or to sanction it by direct approbation, if they thought the object of the expedition useful. Looking at the public declarations of French official characters, the best thing to be hoped was that they did not speak truth, because, otherwise, if those declarations must be accepted as correct, the matter would be very serious indeed. It was generally understood, that some time ago the Papal Government at Gaeta addressed the four principal Catholic Powers, imploring their assistance with the view of restoring the Pope to his dominions. How far that negotiation had advanced, and what had been the result, he, of course, was uninformed; but it was understood that some conference had taken place between the representatives of those Powers. Had the French, then, gone into the Papal dominions at the desire of the Pope or not? If they had gone at the Pope's desire, then they went there for the same reasons and on the same grounds as those which, it was said, were influencing the Austrians and the Neapolitans to go there. If the French expedition were, however, a hostile invasion, such a proceeding must excite great alarm for the consequences. But, notwithstanding the declarations of the French Minister, he assumed that the expedition was undertaken with a view more or less friendly to the Papal Government; and, supposing Austria also to respond to the desire of the Pope, then they would see the Austrians marching to Rome at the time

when the French were advancing to that city from Civita Vecchia, and declaring that their object was to prevent foreign troops going to Rome. Such an occurrence would put one in mind of the declaration of the bastard Faulconbridge in *King John*, when Austria and France advanced to the siege of Angers :—

> " O, prudent discipline ! from north to south
> Austri and France shoot in each other's mouth."

It really was a most extraordinary affair that the end of all the mischievous interference on the part of Her Majesty's Government—of all their negotiations and extraordinary missions, should be to bring 20,000 French troops—for to that number, he understood, they were augmented—into the centre of Italy. The Government sent out the noble Earl opposite (the Earl of Minto) to counteract foreign influence at Rome, when exercised through the French Ambassador, Count Rossi, the same person who was shortly afterwards butchered on the steps of the Capitol, when endeavouring to serve his country by the establishment of a patriotic Ministry. However, the noble Earl perfectly succeeded; but, in doing so, he had done much, in his (Lord Aberdeen's) opinion, to destroy the liberties of Italy. Whatever had been the conduct of the noble Earl himself, it was quite impossible for such a mission, at such a time, and taking into consideration the persons by whom the noble Earl was surrounded, not to have produced inevitably the result which followed—namely, that every person who went to the noble Earl with acclamations and rejoicing, retired from his presence perfectly convinced that he was prepared to join in driving the Austrians out of Italy, and in establishing those wild notions the entire failure of which had since been witnessed. Therefore, he thought that the noble Earl's mission had practically been more fatal than anything else could have been to the real freedom of Italy. With respect to the answer given by the noble Marquess to the question put to him, he thought that nothing could be more unsatisfactory than a mere declaration that the French Government had some good object in view, without explanation as to what that object was—whether to restore the Pope, or confirm Mazzini in power. Upon that point their Lordships had been left in perfect doubt; and, considering the immense importance of the consequences which might arise out of the French expedition, he thought it was incumbent on the Government to have much more clear and explicit declarations, and to know more precisely what the real object of the expedition was.

Earl MINTO said, he was not going to enter into a general vindication of his own conduct, or to follow the noble Earl who had just sat down through the whole of his remarks ; but the noble Earl had made one implication which it was necessary for him to deny, namely, that it was impossible from the nature of his (the Earl of Minto's) mission there, or the language which held, that any person could doubt that he was preparing to encourage, on the part of Her Majesty's Government, the expulsion of the Austrians from Italy. He denied that anything of that kind could be collected from anything that he had said or done. On the contrary, he had omitted no opportunity of stating that desirous as the Government were of seeing a wholesome reform in Italy, there was one point on which their opinion and determination remained fixed—that they would be no party to, and would not encourage, tolerate, or approve any change of the territorial arrangements settled by the Treaty of Vienna. And upon the occasion of Charles Albert's invasion of Lombardy, there was no person in that House who spoke more strongly, or condemned more distinctly that proceeding, than did he (the Earl of Minto). He had risen merely to correct the misapprehension which the noble Earl had fallen into. There were, certainly, dangers in Italy when he was there ; those dangers he was anxious to avert, as far as he could; but nothing had ever fallen from him which could be construed by the most eager advocates of Italian unity, or any of that nonsense, into a sanction of any attempt whatever to expel the Austrians from Italy.

Lord BROUGHAM said, he could bear testimony to the conduct of the noble Earl in that House upon the occasion referred to; but as to what had passed in Italy, he could say nothing. He must observe, that if the mission of his noble Friend opposite (the Earl of Minto) was to keep Italy free from French intervention, he could not congratulate him upon his success on the result, as, by this time, he supposed 25,000 French troops were in the centre of Italy, in the Roman capital itself. He well recollected how much the Government of which he was a Member were blamed for permitting the occupation of Ancona by the French; but they were probably now in the occupation of Rome, which was a somewhat more

grave matter. The subject was so important that he could not allow himself to be drawn into any incidental discussion of it. It was very natural for his noble Friend to discuss it; but he begged to be understood as not expressing any opinion whatever upon the subject of the French invasion of Italy. He must, however, express his surprise that the noble Marquess opposite and his Colleagues should be satisfied with such meagre information as the French Ambassador here appeared to have given. If the Government did not expect the French to march to Rome, how could they expect that the mere landing of a French force at Civita Vecchia could possibly alter the state of Italy, and give a wholesome government to the Roman people? Still his opinion was, that if anybody were to ask the French Government what their intentions were on the subject, his noble Friend opposite could tell just as well as they could. His noble Friend could not tell, and the French Government would not tell. He believed, however, that he (Lord Brougham) knew what the real motive was, for he was in Paris at the time, and men of all parties approved of the project. They approved of an expedition. They wanted an expedition for the purpose of acquiring some military glory—they did not care how little, but some they must have. Algiers would not serve their turn any longer, and they wanted an expedition into some part of Europe for the purpose of gratifying the craving after military glory, not of the French people, but of the Paris mob. He hoped that the matter would be gravely considered by Her Majesty's Government, for the principles which had been propounded would in former times have made statesmen stand aghast. Her Majesty's Ministers must have asked for further information from the French Government, and he hoped they would obtain it. With regard to another subject, he begged to say that he had not understood the noble Marquess to say, upon the occasion referred to, that the smaller works of art were taken away, but only that the difficulty of carrying away the bulkier works of art would make their sale more difficult than that of the smaller articles. Since he had first called the attention of the noble Marquess to the subject, he had received a letter from Mr. Manzoni, who was no longer in Rome, but in London, complaining of the observations which he (Lord Brougham) had made; and Mr. Manzoni said, that it was hard that he (Lord Brougham) should believe what he had been told upon the subject, because there had been a contradiction to the statement in the paragraph of a newspaper. Now, he did not believe a statement merely because he saw it in a paragraph of a newspaper, nor did he disbelieve it on account of a contradiction in a paragraph. However, he (Lord Brougham) said, that he was very sorry if he had been misled; but that if Mr. Manzoni would present a petition, positively denying his having brought away from Rome any of the smaller or more precious works of art, he should have great pleasure in reading it to their Lordships. He then thought it but candid to tell Mr. Manzoni that the knowledge of the proceedings of the *soi-disant* Government of Rome did not rest on letters or paragraphs, but on facts that were perfectly well known to all of their Lordships. This correspondence took place a week ago; and not having received any communication from Mr. Manzoni since, he of course had no petition to present from him. If he thought proper to make a public declaration that he had not brought any of these works of art from Rome, of course it would tend very much to impede the operations of the market.

The MARQUESS of LANSDOWNE said a few words in explanation.

The MARQUESS of LONDONDERRY said, his opinion was that the French Government, and the individual who was at the head of it, were very anxious to preserve peace; and he thought that great allowance should be made for them in their present difficult circumstances. He regretted that this question had been brought forward by the noble Lord (Lord Beaumont), as it was, in his opinion, very impolitic to discuss this subject at so early a stage. He thought that this discussion had been very premature and very indiscreet. All of us in this country had of course our partiality for monarchy; but the people of France had a right to choose what sort of Government they pleased; that Government at present was of a republican form, and he would ask their Lordships whether they ought not to endeavour to assist, if possible, in keeping France quiet under the republic? He thought that the individual at the head of the present Government of France had displayed great firmness and sagacity in the performance of his difficult task; and it was only fair that he should be allowed

sufficient time for the accomplishment of his objects. They ought not to press the French Government to a decision at a moment when he (the Marquess of Londonderry) believed that it was impossible for that body to come to any resolution upon these important questions. The position of the individual at the head of the French Government appeared to him to be most difficult and extraordinary; and yet it was universally admitted that up to the present moment he had not committed a single fault. It was not true, as had been so generally asserted in this country, that the army in Paris was demoralised; the fact being that not more than 300 or 400 of the soldiers were allied with Socialism. He was glad to hear that, during the recent holidays, the noble and learned Lord (Lord Brougham) had taken the opportunity, in company with many of his fellow-countrymen, of fraternising with the people of France.

Lord BROUGHAM could offer the most peremptory contradiction to the assertion that he had accompanied any set of men to Paris on a recent occasion. There was not the slightest particle of truth in the assertion. He did go to Paris during the holidays, but he did not accompany any one of the individuals who went to fraternise with the French; in fact, he went by a different steamer from that which conveyed the visitors from this country. He had had nothing whatever to do with that most absurd delusion in which they took part at Paris. He entertained a very strong and decided opinion against such visits; he deprecated them as fatal to the peace of the country. By the constitutions of England and of France, no communication whatever was allowed to be held between the two countries, except through the two Governments. That was a rule which must be kept inviolate; because, if the expedition of those people who went to Paris to amuse themselves, were to be taken as a national expedition and a national deputation, though in the first or in the second instance no harm might result —as was fortunately the case in the last instance, owing to the good humour of the people of Paris, and the people who went there as a deputation from this country, but who were in fact no deputation at all, for they were deputed by nobody—yet upon some future occasion great harm might take place. A collision might take place between the people of Paris and the visitors, if they went there in large bodies, and such a collision might lead to bad blood between the two countries, and in the end the results might be of the most mischievous character. It was therefore well that the rule and the constitution of England, as it was of France, was that the only communication which could take place between the two countries must be on the part, not of individuals, not of deputations, not of bodies, but of the Governments of the two countries.

POOR LAWS (IRELAND)—RATE IN AID BILL.

Order of the Day for the House being put in Committee read.

The Duke of WELLINGTON said, he wished to ask the noble Marquess opposite whether any progress had been made in relation to the Bill for altering the size of electoral divisions in Ireland; as it appeared to him that if that measure were brought forward it would facilitate the operation of the Rate in Aid Bill?

The Marquess of LANSDOWNE replied that no Bill had as yet been brought into Parliament upon the subject to which the noble Duke referred; the reason being that, though the subject had been for some time in the contemplation of the Government, neither the Committee of that nor the other House of Parliament, to whom the question had been referred, had yet delivered any report. The Poor Law Commissioners had, however, at present the power of making such arrangements as might be necessary. He apprehended and hoped that a Bill would soon be introduced on the subject.

The Earl of MOUNTCASHEL observed, that the agitation in the north of Ireland with reference to this Bill was so great, that he thought the Government ought not to press the measure without due consideration. He feared that, if they went on in their present course, they might drive the people of that part of Ireland, who had hitherto been remarkable for their loyalty, almost to a state of rebellion.

The Earl of CARLISLE said, that it had been understood that no discussion would take place on this stage of the Bill, and many Peers had left the House under that impression. The noble Earl would have an opportunity of making any observations he might wish to offer to the House on the third reading.

The Earl of MOUNTCASHEL said, that upon the grounds he had touched upon

he was about to propose that it would be desirable to postpone going into Committee until some future day.

The Earl of MINTO said, that there had been an understanding on the part of their Lordships that the discussion upon this measure should take place upon a future stage, and that no resistance would be made to it upon its present stage. The noble Lord was of course at liberty to adopt any course he thought proper; but it was desirable that arrangements of this nature, when made, should be adhered to.

Lord MONTEAGLE said, that though he decidedly disapproved of the Bill, he deprecated getting up any unexpected discussion at the present stage of the measure, and thought that doing so in the absence of so many noble Lords, would only defeat the object which the noble Earl himself had in view.

The Earl of MOUNTCASHEL said, that he was totally unaware of the existence of any such agreement as that referred to, and of course should not, under those circumstances, press the Motion which he had intended to make.

House in Committee.

The 1st Clause having been read,

The Earl of WICKLOW said, that much as he objected to the principle of the Bill, he still objected even more to the mode by which it was proposed to carry out the measure. Supposing the rate in aid were a legitimate and proper thing, the proposed mode of levying it was an exceedingly unjust one. The mixing up of the rate in aid with the general rating of the country, would have the effect of impeding the operation of the poor-law in every part of the country. With a view of correcting this evil, he would take the liberty of proposing that the Bill should be so amended as that the rate in aid should be collected as an entirely separate and exclusive rate. He should follow that up with a Motion to levy the rate in aid solely upon the landed proprietors, or make such provision in the measure that the tenant who would have to pay it, should have the power of deducting the whole of it from his rent. If such a provision as that were made, although it would not alter the injustice or impolicy of the measure, still it would prevent much of the difficulty and distress that would arise from it. He should also wish to see the rate in aid made a separate rate altogether, as it would then give the landed gentry of the country the power of taking it entirely upon themselves, in such cases as they might think it right to do so, in order to relieve their tenantry from the unjust burden cast upon them by this measure.

The Earl of MOUNTCASHEL opposed the Amendment, on the ground that it appeared, from the evidence which had been given before a Committee of their Lordships, that the landlords had already been compelled to pay a far greater share of the poor-rates than they ought to have paid. In cases where the tenants did not pay more than 4*l*. per annum rent, the whole of the rates had to be borne by the landlord. In very many cases the landlord received no rent at all, and yet he was compelled to pay the poor-rates. That was a hard case enough; but if to this were to be added the whole amount of the rate in aid, it would make the case much worse.

The Earl of CARLISLE regretted that he could not accede to the proposed alteration of the noble Lord, who, upon all subjects connected with Ireland, spoke with such weight. The suggestion which he had now made was one prompted by no selfish motive, but quite the reverse. There was, however, a constitutional objection to the whole plan, which prevented him from acceding to the Motion, and dispensed at once with the necessity of further discussing it.

Amendment withdrawn.

Lord MONTEAGLE said, that under this Bill a certain sum was to be raised by a rate in aid, which was to be distributed by the Poor Law Commissioners according to their discretion. It would perhaps be inconsistent with the principle of the Bill that it should be dispensed in any other way than that proposed by the Bill; but, at the same time, he thought some provision might be introduced for the purpose of securing an effectual control over the disposal of the money. He would, therefore, propose that a distinct account should be kept of the amount received under the rate in aid, and the mode of its disbursement, and that accounts of the same up to the 31st of December of each of the years during which the Act should continue in operation should be laid before Parliament within ten days after its assembling.

The Earl of CARLISLE said, with the reservation that such a provision should not be found incompatible with Parliamentary forms, he saw no objection to the provision.

After a short discussion the Amendment

was agreed to, as were other amendments and the several clauses of the Bill.

The EARL of CARLISLE moved that the Bill should be reported to-morrow. It was understood that no discussion would be taken upon the measure in that stage, and he would propose that the third reading should be fixed for Friday, when it was understood the discussion would take place.

The EARL of MOUNTCASHEL said, he came down to the House totally unacquainted with the fact of any understanding having been made; he was told, however, that one had been made, and that he must not therefore say a word in opposition. Now, upon the next stage, he was told that an understanding had again been made. All this time the Government, however, were progressing with the measure, and now it was understood that the discussion was only to come on upon its final stage. He protested against this mode of carrying through a measure, which, like all the recent Irish measures, would only place Ireland in a worse position than she was in before.

Report to be received To-morrow.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, May 14, 1849.

MINUTES.] PUBLIC BILLS.—2° Grand Jury Cess (Ireland). *Reported.*—Land Improvement and Drainage (Ireland); Incumbered Estates (Ireland); Estates Leasing (Ireland). 3° St. John's, Newfoundland, Rebuilding.

PETITIONS PRESENTED. By Mr. Frewen, from Lindfield, Sussex, against the Parliamentary Oaths Bill.—By Mr. Cobden, from Todmorden, for an Extension of the Suffrage.—By Sir Joshua Walmsley, from Bolton, for the Adoption of Vote by Ballot.—By Mr. Bright, from the Hatters of London, for the Clergy Relief Bill.—By Mr. Richards, from Ardudwy, Merionethshire, against the Marriages Bill.—From Congregational Churches in Derbyshire, for the withdrawal of the Regium Donum.—By Sir Hedworth Williamson, from Sunderland, against the Sunday Travelling on Railways Bill.—By Mr. Robert Charles Hildyard, from Bridport, against the Alienation of Tithes.—By Mr. Page Wood, from Lower Heyford, Oxfordshire, for Repeal of the Duty on Malt and Hops.—By Mr. Stansfield, from Huddersfield, for Repeal of the Duty on Paper.—From Bath, for Reduction of the Public Expenditure.—By Mr. Cayley, from New Malton, Yorkshire, for Agricultural Relief.—By Sir John Duckworth, from Exeter, for an Alteration of the Friendly Societies Bill.—By Mr. Duncan, from Dundee, for Repeal of the Game Laws.—By Mr. John Abel Smith, from Westminster, for the Prohibition of Interment in Towns.—By Mr. Alexander Hastie, from Glasgow, against the Lunatics (Scotland) Bill.—By Mr. Foley, from the Martley Union, for a Superannuation Fund for Poor Law Officers.—By Mr. Rice, from Dymchurch, Kent, for the Suppression of Promiscuous Intercourse.—Mr. Fergus, from the Commissioners of Supply of the County of Fife, against the Public Health (Scotland) Bill.—By Mr. Ormsby Gore, from the Mortgagees of the Tolls of the Lyme Regis Turnpike Trust, against the Public Roads (England and North Wales) Bill.—By Viscount Duncan, from Bath, for the Abolition of the Punishment of Death.—By Mr. Cumming Bruce, from Dunfermline, against the Registering Births, &c. (Scotland) Bill, and Marriage (Scotland) Bill.—By Mr. Barnard, from Greenwich, for the formation of Treaties by which International Disputes may be decided by Arbitration.

THE HOSTILITIES BETWEEN DENMARK AND GERMANY.

MR. DISRAELI: Sir, I made an inquiry of Her Majesty's Government, some time back, whether, in consequence of the recurrence of hostilities between Denmark and Germany, they would have any objection to lay upon the table the negotiations that had taken place between these two Powers under our mediation. The noble Lord at the head of the Government then stated that, notwithstanding the recurrence of hostilities, negotiations were still pending under the mediation of Her Majesty's Government, for a definitive peace between the two Powers. I wish to take this opportunity, as some time has elapsed since that answer, of again inquiring from Her Majesty's Government whether those negotiations have been pursued under the mediation of the British Crown; whether any project has been proposed by Her Majesty's Government to Denmark and the Central Power of Germany; and whether that proposition, if one has been made by Her Majesty's Government, has been accepted by both or either of those Powers.

VISCOUNT PALMERSTON: Her Majesty's Government, notwithstanding the renewal of hostilities between the two parties, felt it their duty to omit no effort that might, by possibility, effect either, in the first instance, the renewal of an armistice, and, in the second place, the conclusion of a peace between the two parties. Accordingly it became my duty to make to the two parties a fresh proposition, with a view to the establishment of an armistice. That proposition is still under consideration; and I am sure the House will feel it would not be fitting for me to go into particulars as to in what degree it may be likely to be accepted by one or both of the parties. But I can state so far, that not only is that proposition for a renewed armistice under the consideration of the two parties, but that also we are in communication with the two parties with a view to the final settlement and adjustment of the questions at issue between them. I feel that anything I might say with regard to holding out hopes is so likely to be misunderstood by persons whose commercial interests are concerned, or, if not misunderstood by them, so likely to be misrepre-

sented, in case anything happens afterwards, that the House will excuse me if I do not enter into any explanation further than merely stating that negotiations are going on for an armistice, and the conclusion of a peace.

Subject at an end.

BISHOPRIC OF HONG-KONG.

MR. B. OSBORNE said, he wished to put a question to the Under Secretary to the Colonies. He perceived by the *Gazette* of Friday, that Hong-Kong had been instituted a bishopric, and it might be fairly said to be the foundation of a new see, for, by the terms of the constitution, it extended not only over that small island, but 100 miles at sea. He wished to ask his hon. Friend what was the amount of the salary that it was proposed to pay to the Bishop of Victoria, and from what fund it would be derived; secondly, whether the outfit, transport, and palace of the Bishop, or any part of those expenses, were to be defrayed from the public Exchequer of this country?

MR. HAWES, in answer to his hon. Friend, begged to state that Hong-Kong was erected into a bishopric, and that the bishop was paid from the Colonial Bishoprics' Fund—a fund entirely private, and raised out of private contributions. The salary of the bishop, therefore, could be a matter of no importance whatever to the House, as no part of it was to be paid out of the public funds. [MR. OSBORNE: Nor his outfit?] The Colonial Office had nothing to do with the outfit, and he knew nothing of it. It had, however, been the custom hitherto to pay the passage out of colonial bishops; and he had no reason to suppose the practice would be departed from in the present instance. Beyond that, the public would be put to no expense.

Subject dropped.

PUBLIC BUSINESS.

MR. S. WORTLEY moved, that Orders of the Day have precedence of notices of Motions on Thursday, the 7th day of June next. Finding it impossible to get any day for the adjourned debate on the Marriage Bill before the 7th of June, and considering that this was a part of the Session in which all Thursdays were given to the Government, he did not think it unreasonable to ask for one Thursday for the adjourned debate.

MR. B. OSBORNE begged to move an Amendment to the Motion of the right hon. and learned Gentleman. Ministers, he thought, did not intend to bring in any more Bills, and there were several important Motions on the Paper. The hon. Member for the West Riding had had his Motion for peace arbitration on the Paper for three months.

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words, "the Orders of the Day be disposed of in the order in which they stand upon Thursday the 14th day of June next," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

MR. DISRAELI begged to remind the House that the other night, at an early hour, the hon. Member for the West Riding might have brought forward the Motion, and declined doing so. After having liberally conceded to the Government the use of these days, he thought the matter should be left to the good sense and feeling of the Government.

MR. HENLEY said, that this was a question for the consideration of the noble Lord at the head of the Government, for they were in a backward state as to Motions of Supply. The miscellaneous estimates were not yet laid on the table. If the Government gave way to the allegation that the measure was of importance, the real business of the Government would be postponed *sine die*.

MR. COBDEN said, that he was not called upon to bring on his Motion until a quarter past Eleven o'clock, after the hon. Member for Surrey had finished his debate; and he put it to the hon. Member for Buckinghamshire, whether a quarter past Eleven was a proper time to bring forward a Motion on which a larger number of petitions had been presented this Session than upon any subject now before the House?

MR. GOULBURN thought, that if Government acceded to the Motion, they would be setting a dangerous precedent. The House should lay down a general rule as to the days on which Notices and Orders should have precedence, and adhere to it.

LORD J. RUSSELL felt great objection to the Motion of the right hon. and learned Gentleman. He had proposed to the House, with a view to the more speedy and regular transaction of public business, that alternate Thursdays should be allowed for Orders of the Day and Special Orders of the

Day moved by the Government. The House having acceded to that proposition on the grounds which he then stated, he thought it would not be fair to the House if they were to accede to the Motion of the right hon. and learned Gentleman. The hon. Members for Middlesex and Oxfordshire had made some observations as to the present state of public business. He begged leave, in the first place, to say that it was not at all to be inferred, from the number of Bills before the House, that there would be no other Bill which it would be necessary or expedient for Government to introduce. He had thought it tended more to the despatch of public business, instead of agreeing to the request of hon. Members to bring in the Bills at once, that the attention of the House should be directed to certain Bills, and that they should be disposed of before other Motions were introduced. In regard to supply, the hon. Member for Oxfordshire was right in his statement that they were late in many of the votes. As to the vote for the Army, they had waited till this time to see whether the Select Committee would make any report on that branch of supply. They had now informed him that they would not be able to go into the consideration of the Army at present, and therefore, until now, they were not in a state to proceed with the votes as to the Army. Whilst he said that he could not vote for the Motion of the right hon. and learned Gentleman, he must ask the House to fulfil the arrangement to which they agreed before Easter, and allow Government to take the Orders the Day.

Mr. B. OSBORNE said, that after the speech of the noble Lord, he should withdraw his Amendment.

Mr. S. WORTLEY understood that the feeling of the House was, that he should not persevere in his Motion, and he would therefore withdraw it.

Amendment, and Motion, by leave, withdrawn.

SMITH O'BRIEN.

Lord J. RUSSELL moved—

"That there be sent a Message to the Lords, for a Copy of the Record in the House of Lords in the case of Smith O'Brien *v.* the Queen, in Error."

Agreed to.

LAND IMPROVEMENT AND DRAINAGE (IRELAND) BILL.

On the Question that the House go into Committee on this Bill,

Mr. ROEBUCK said, that before Mr. Speaker left the chair, he wished to take the opportunity which, he believed, the forms of the House afforded to him, of expressing his opinion respecting the general policy—if, indeed, he could attach such a word to such proceedings—of Her Majesty's Government towards Ireland. Of this he was sure—having paid, as he had paid, great attention to the proceedings of the Government towards that unfortunate country, and having taken great pains to learn what the Government intended to do with respect to Ireland—the public money had already been expended there to a large amount. He had himself paid it, and they had all paid it, and now again they were called upon to expend money, through means of an appeal, that Ireland was in a state of distress. Ireland had been, he believed, in a state of distress of this sort for a period of three years. He did not speak of ordinary Irish distress, which was a thing that they had been always accustomed to; but he alluded to that remarkable description of distress which had arisen in Ireland in consequence of the failure of the potato crop. Some three years ago, the Government, he believed, of the right hon. Baronet opposite, the Member for Tamworth, had been informed that there was about to be a famine in Ireland, in consequence of the potato crop having failed, and of those who had lived on that root being no longer able to obtain subsistence. The right hon. Baronet, terrified at the prospect before him, proposed a repeal of the corn laws. He succeeded in that attempt, and if he had not done so, he (Mr. Roebuck) sincerely believed, that, instead of the peace and tranquillity which now reigned throughout this empire, and the comfort which was known in certain portions of the kingdom, they would have had to wade through those calamitous scenes of terror and revolution with which surrounding nations had been visited. After that providential proposal of the right hon. Baronet had been carried, the right hon. Baronet seceded from the post which he had then held, and the noble Lord the Member for the city of London succeeded to office? What did the noble Lord do? They should understand this clearly, for he had a right to enter upon it before his fellow-countrymen were compelled to pay an additional tax to a large amount out of their pockets. The noble Lord had a right to have considered the state of that country. What was that state, and how

was it brought about? It was brought about by the landed proprietors of Ireland having been long sustained in all their objects and wishes by that House and the legislation of Parliament. They had become expensive and wasteful in their expenditure—they had been accustomed to live far beyond the incomes that they derived from their property. They burdened their estates in order to maintain their vanity. They did one thing more; they allowed parties coming to them to offer the highest rents for small pieces of land. They divided their properties into small holdings, the better to carry out this system; and the persons so offering these enormous rents were only able to pay them by living themselves on the lowest species of food which the ingenuity of man enabled him to derive from the earth, namely, the potato. At length that unhappy accident arrived—the potato failed; and now the Irish proprietors found themselves in this condition, of having enormous populations on their lands who had been accustomed to live on the lowest sort of food, suddenly deprived of the means of existence by an extraordinary visitation of Providence. That was the state of facts for which the noble Lord had been called upon to provide a remedy. The evil was this, that a very large proportion of the agricultural population of Ireland were suddenly left without food. Now, if they had provided that population with food for a year, allowing them to apply their energies to the cultivation of land in the interim, there would have been a chance of an end being put to the distress in that time. Or if the Government had even required two years, by employing them in other labour, so as to save the people from that state of degradation and misery to which they had been subjected, he would not have objected. But what was the number of persons likely to have been subjected to that state? It was not everybody in Ireland that was in danger of perishing from the destruction of the potato crop. Everybody was not likely to suffer, though a large portion of the agricultural population was likely to suffer. But a general cry of distress went forth. He would not enumerate classes; but in what he was about to state he included all classes, from the highest to the lowest. He found that there was in all of them a desire to acquire without labour. [An Hon. Member: What do you know about them?] We who pay for it, and not they, know this. But what I say is, that the Government have contributed to foster that habit. It has extended to all portions of the population, and if I wanted a pretext to speak of the state of morality among the Irish people, I might take all the returns that have been laid before us, referring to the expenditure of the grants that Parliament has voted during the last three years for the Irish people. Who have we found receiving this money? Was it the poor? Not at all. The money of England was put as it were into a vast heap, and there was immediately a general scramble of Irishmen to get part of it. It was not the poor, for whom it was voted, that came for it, but the whole mass of the population, and they rushed as people do into an opera-house, each scrambling over the others, and all endeavouring to get the most they could of what was going on: that was a fair and not an exaggerated description of what took place on that occasion. And what was the effect? It fostered the habit of the people of Ireland to live on the produce of other men's labour. The people were not taught by the Government to live on their own labour—to be self-dependent, as in this country, where all were taught to depend on the labour of their own hands for their own subsistence. In Ireland every one looked to some external source for help. He never heard from any Irishman, either poor or rich, anything but the one cry of "somebody must do something for us;" but that somebody was never the person himself. [Mr. J. O'Connell: Hear, hear!] Did the "hear, hear" which he heard from one of the Irish Members answer his statement? He would repeat it in the face of his countrymen who were asked to provide for those who would not provide for themselves. He had heard it said that English legislation interfered with Irish interests; but there was no attempt made by Irish Gentlemen—for he felt that the noise made about him was from them, or at least from persons so calling themselves—to show that they were ready to do anything for themselves. He would maintain, that the call made upon the English people for the maintenance of the people of Ireland, was not a call *bonâ fide* for the maintenance of the Irish poor: he should be the first man to vote for, or to propose or second a proposition that the poor should be maintained. But he was not one of those who would agree to vote money, in order that it might be expended on Irish proprietors, whether they were proprietors

in name or in reality. There was something very Irish in the manner in which this term was applied. Irish proprietors were persons who had no right or title to the land they called theirs. They had no more right to live on the produce of that land than he had. He had watched whether the Irish proprietors would ever hit the real blot in the Irish poor-law, but they never had. An Irish proprietor was supposed to be the proprietor of—say 10,000*l.* a year—but he had mortgaged his property to the extent of 9,000*l.* a year. The Irish poor-law subjected him to a tax for the 10,000*l.*, instead of for 1,000*l.*; and it was one of the remarkable characteristics of the Irish nation that this point had never been fairly stated. He had heard all sorts of complaints against the law; but he had never heard any man come forward and say, "I am nominally the proprietor of 10,000*l.* a year, but I have really only 1,000*l.*, and yet you tax me on the whole 10,000*l.*" He had never heard any Irish Gentleman put that grievance forward, though it was well known to every one to be one of the real evils of the poor-law. The Solicitor General of England had, it was true, suggested a means of getting rid of that difficulty, by facilitating the sale of property so circumstanced. Every man had his own mode of suggesting a remedy for Ireland. The man who made shoes would defend the city by leather, the mason by stone walls. So it was that his hon. and learned Friend had a lawyer's mode of getting rid of all the difficulties of Ireland, simply by an alteration with regard to the jurisdiction of the Court of Chancery. The hon. and learned Gentleman had read them a lecture, which quite captivated his (Mr. Roebuck's) fancy, though it did not convince his reason. He had told them that if they passed his Bill they would hear no more of the troubles of Ireland—that they would have no more insurrections or discontent—because the people would be enabled to apply the powers of production in the country to the cultivation of the land. But his hon. and learned Friend totally forgot the political grievances of Ireland—the anomaly of the Irish Church never once struck him, the feuds of Celt and Saxon passed away from his mind, and all the other themes of discontent which agitators would still be enabled to make use of. By a lawyer's machinery he hoped to settle all the difficulties of the country. But even if those difficulties were got rid of to-morrow, could they suppose that the Irish people would attain to that without which no hope could be entertained for them — namely, that passion, if he might so term it, or desire which actuated Englishmen, of living simply by their own industrious efforts? Any approach to this feeling in Ireland the Government had destroyed by the unheard-of way in which they had lavished the money of the English people in that country. What was the Bill now before them? It was a Bill to tax the English people in order to drain the lands of Ireland. They did not drain the land in this country, though it would be useful to do so. Nobody wanted the Government to do it here, though it was true that they had passed a somewhat similar Bill for England. That objectionable measure for England was the only justification that could be alleged for extending a similar Act to Ireland. He had, he would suppose, an acre, perhaps more, that he should like to have drained. The taxgatherer came in and put into his hand a bill. He asked what it was for, and he was told, "To drain the land for the Irish proprietors." "But I want to drain my own land," he would reply. "Oh, no, you must not drain your own land with your own money. The money must be paid into the Exchequer in order to be sent over to Ireland to pay the Irish proprietors for draining their own land." But the reply of the Chancellor of the Exchequer was, that the money was paid back. Granted; but what he contended for was, that that was no excuse at all, and that the public money should in no case be so applied. What was the principle that ought to govern them ordinarily in the application of capital, not only to land, but to everything else? Had he not heard, repeatedly, not only from the right hon. Baronet opposite, but from the present occupants of the Ministerial bench, that capital ought to be left exclusively to private enterprise, to private industry, and to private skill? If they undertook to show him a reason why they should deviate from that rule in a particular case, he would listen to it; but if they merely told him that it was a good thing to drain Ireland, to ensure the arterial drainage of Ireland, as it was called—for in these cases there was nothing like finding out fine sounding phrases—he at once admitted the truth of the proposition; but so would be a new mode of spinning two yards of cotton where they now spun one; and yet who thought of asking the Imperial Parliament to ad-

vance money for such a purpose? The result in both cases would be good; but he begged to record his solemn protest against the system of applying public money for individual advantage, either in this country or in Ireland. But, said the right hon. Gentleman the Chancellor of the Exchequer the other night, "There is at present great distress existing in Ireland, and we want to employ the people in reproductive employment." This was a thing that was often spoken of. He thought he remembered having heard a lamented nobleman talk of expending sixteen millions in the construction of Irish railways, with the view of giving reproductive employment. The noble Lord was violently eloquent on that occasion; and yet to make roads through the country where they were wanting would no doubt be an admirable thing. Where, he would ask, in Heaven's name, was the difference between making roads through Ireland, and making channels through Ireland, to let the water off, excepting with regard to the relative amount asked for? Or rather, would it not have been better, instead of dragging on day by day, and week by week, and year by year —would it not have been better to propose a vast measure at once, like that brought forward by Lord George Bentinck? In both cases it was an application for the funds of the empire to individual enterprise; and if the money of the State were to be applied to private purposes, which he objected to, he would rather vote for a well-conceived scheme, like the general plan of that noble Lord, than for such measures as that now before them. But it was no answer to say that the money was paid back. The people of England, when they paid their taxes, were out of their money, and saw it no more; and on behalf of the people of England he would ask, what was the concerted scheme which the Government contemplated when they brought forward this single measure for the improvement of Ireland? He would ask, did any man suppose that this sum of 300,000*l.* would be of any real substantial use in employing the Irish people? Or was it not rather a measure by which it was intended, under the guise of seeking some support for the poor of Ireland, to provide a means for lending money to the proprietors of Ireland? He would appeal to the common sense of the people of England, whether they believed that lending 300,000*l.* to the Irish landlords would be any relief to the poor of Ireland? But he might be asked, what did he want to have done? If this question were asked of the Irish Members, one got up and said that all the evils of Ireland proceeded from the area of taxation being too large. On one occasion an hon. Gentleman got up and talked on this subject for six hours by the clock. But when he heard of advances of money for Irish purposes, he could not but recollect a conversation that had taken place in the House the other night between two Irish Members. He would not repeat the words, as they were disagreeable to his ear, that he had heard on that occasion, bandied about from one side of the House to the other. But, in the course of the recrimination, one of these hon. Gentlemen said to the other, "Did you not go with me to the Government to ask to have these people paid?" "To be sure I did," replied the hon. Member for Dublin—and there was a happy phraseology about the expression which he would not hope to realise, but which he could never forget— "To be sure I did; I wanted to have a pull at the Exchequer." But when the pull at the Exchequer failed, when they found that the Chancellor of the Exchequer would not bite, one of these hon. Gentlemen thought that the corporation of Dublin was bound to pay. "Oh," said he, "won't the corporation pay?" "The corporation pay!" was the response. "Oh, ye are a set of cormorants; ye are a set of highway robbers." So long as the hon. Gentleman thought he could have a pull at the Exchequer, he was the abettor of those who wanted compensation; but then came the old story— he would not repeat the words—as to what honest men gained on these occasions. But they quarrelled among themselves. Then we were let into the secret of the whole affair, and they were told that it was the regular practice in Ireland to endeavour on all occasions to have in the first instance a pull at the Exchequer. But the debt was at once pronounced a dishonest one, as soon as the hon. Member was told that he would have to pay it himself. Now, he had taken a lesson on that occasion, and he was determined that, on the first possible opportunity, his countrymen should hear it. It was that Irish Gentlemen came there with the hope of being able to get what they called a pull at the Exchequer. The Bill on the table was nothing more than one of those attempts to get a pull at the Exchequer. That Exchequer was filled by the industrious labours of their hardworking countrymen, who toiled in their vocations with

an honest and upright spirit, and with virtue; and he might say it fully, with an indignant virtue, when they considered the demands that were thus made upon the proceeds of their industry. He declared it in the name of those hardworking men, whom he had seen, within the last few weeks, congregated in thousands, asking him whether there was not something wrong in the system which obliged them to pay so largely. In his answer, he told them that he knew they were often misled with regard to facts put forward by associations; but he well knew at the time, that the first voice that he would raise in that House of the Commons of England should be against the rapacious desires and selfish attempts of a wasteful and extravagant proprietary—that wasteful and extravagant proprietary being the landed gentry of Ireland. They were not in any sense of the term the proprietors of Ireland. Let them, therefore, get rid of the name, let them go abroad and earn their own subsistence. The land did not belong to them, and it was not to them, but to the mortgagees, that the rent ought to be paid. Let them act like men whose capital was in their bare hands. It was on these grounds that he entered his solemn protest against this Bill. He could see nothing in the policy of the Government to relieve them from constant taxation hereafter of a similar kind. He saw great numbers of the country gentlemen of England around him, and they should recollect that they would be called upon from day to day by the Chancellor of the Exchequer to relieve the poor of Ireland. As they came towards light, the darkness grew more dark, and so, as they approached the harvest, the famine would become more rife. When the months of June and July came, they might expect to hear still more dreadful stories of the horrors which prevailed. But was it not an afflicting thing to know that they had been for nearly four years in this state of terror, arising from the failure of the potato crop in Ireland? Would not a provident Government have enlisted the aid of all the intelligence of Ireland, and have divided the country into sections, in order to obtain an accurate list of those who were likely to require relief, and who might be employed in the profitable cultivation of their fertile soil? Should not the gentry have been told to make themselves the overseers of the poor? and above all, they should have been told to recollect that into that sacred fund they did not put their hand. That would have been a most judicious thing to have said, and it would have been not only a virtuous but a most proper thing to have remembered. But it was not said. The admonition was not acted upon, and what was given for the poor was but too often seized by the rich, and that scramble took place to which he had before alluded. This had disgusted the people of England; and he would give an instance of the manner in which it had been carried out. A friend of his, a clergyman in the country, was told by a friend of his in Ireland, "We are in a starving condition—for God's sake apply to your parishioners, and try what you can get to relieve us," His friend set to work with all the energy of a young man—he preached charity, as he always did, and went from house to house, and gathered together what he considered as a little sum, but which ought not to have been considered as a little sum, considering the means of those from whom it came. He forwarded it to his friend in Ireland, and the reply he got was, "God bless you for your charitable donation; we are quite happy, all the rents are paid." His friend fell almost into a swoon on reading the letter. And was it that for which he had gone about among the poor English labourers, who were earning their 8*s.* and 9*s.* a week, to raise subscriptions? Was it for that that he went into the school, and to collect pence from the children? Was it to pay the rents of the landed proprietors that his rev. friend went from house to house asking alms? No! It was to relieve the poor starving wretches, and not to pay rents to their grasping improvident landlords. It was this, he repeated, which had disgusted the people of England, when, instead of being the almoners of the poor, they saw the landed proprietors of Ireland the rapacious receivers of those gifts which were intended for that poor. If the Government and Parliament did not stand forward and say, "We command and assist that the poor of Ireland shall receive the benefit of the charity of this country," they would drain up the source of private charity altogether, and he would be among the first to preach it. [Sir H. BARRON: Hear!] He heard an Irish proprietor cry "hear;" he wished he had an Irish peasant on the floor to meet that hon. Baronet. It was true they were all bound by the law; but there would be no private charity, unless the Government look to this, and enforced some rigid rule as to the mode in which

the charity of this country should be applied. If that were done, and the peasant labourers were employed in cultivating the land, they might within two years rescue the people of Ireland from the desperate situation into which they were now plunged. If you would only adopt something like order and system in the application of the funds, and not allow the Irish landlords to be the almoners, the English people would not fail you in the hour of need; but you would find them really and truly brethren in heart and hand to help you. But, he would repeat, if they allowed the Irish landlords to interfere with the distribution of English charity, they would not only have the source of that charity dried up, but they would make those whom the Union had brought under one united Parliament a separate and a hostile nation. It was only by the course he had pointed out that Government could achieve the good they sought to accomplish, and not by such a poor, and petty, and piecemeal legislation as that now before the House, and which would only be treated with scorn by the people whom it was intended to serve, and be regarded as a proof of the utter insufficiency and imbecility of the Government.

MR. J. O'CONNELL: Sir, the thunderbolt has fallen, and we are not crushed. The storm with which we have been threatened for the last week in the newspapers, and which has been gathering over us with accumulated intensity, has at last come with all its fury upon us, and enforced with all the grimaces of a mountebank, and the spite of a viper.

MR. SPEAKER: I must inform the hon. and learned Gentleman that these expressions are quite unparliamentary.

MR. J. O'CONNELL: And I confidently appeal to you, Sir, whether, on any occasion when it was my misfortune to fall under your rebuke, I did not bow to it at once; and I am now ready to withdraw the expression. But, at the same time, I must submit to you, that the hon. and learned Gentleman to whom I refer, used such expressions as these—he spoke of persons calling themselves gentlemen. That Member—whatever he may choose to call himself—has, indeed, given a terrible account of Ireland, and he has taken care to include all Irishmen in his denunciations. He has accused us of immorality. Immorality! If I were to enter upon that charge—and I will enter upon it, because it is not right tha these taunts or insults upon my fellow-countrymen should be received with laughter and good humour by the House, and without any Member making the slightest remonstrance. I will ask the hon. and learned Member to compare the two countries with regard to their morality. Have we the system of poisoning infant children for the sake of getting their burial money, which prevails in the north, south, east, and west of England? Have we such a system of abortion-houses as prevails here in the metropolis? Have we in Dublin, as you have in London, a body of Guards, from which all Irishmen are scrupulously excluded, and who are so moral that the subject is not safe to go near them after nightfall? Have we any schools in which education is so wretchedly taught that the scholars are in ignorance of the name of the Redeemer, or of the great mysteries of salvation? Have we police reports informing us that the roads are insecure after dark? Have we professors of political economy, or writers in newspapers, under the patronage of Government, who blasphemously say that the people of Ireland are disproportioned to the capital of Ireland, and ought therefore to be starved down to the level of the capital, and that it would be interfering with the will of God to save them from starvation? No, we have no such persons in Ireland; and I therefore throw back with indignation the charge of immorality, and I ask, is it not cruel that the people who are perishing, without committing a single outrage, should be accused in this heartless manner? To be sure, this being spoken by the hon. and learned Gentleman, it does not matter much; but it has been spoken in this assembly—the first assembly in England; and it is not right that the people of Ireland, who are suffering so many accumulated evils, should here be accused of immorality, or subjected to the attack of slander in this House. The hon. and learned Gentleman complains that we come here and ask for money. If he will give us back the management of our own affairs, we will not ask for money. But you take from us the management of our affairs—you do not allow us to manage them for ourselves; and now, when we are starving in consequence of your mismanagement, you deny us relief, or you fling it to us, like a bone to a dog, with insult and scorn. The hon. and learned Gentleman has talked of the landlords of Ireland. I have often had occasion to attack the landlords of Ireland for their misdeeds; but let it be recollected,

that if the landlords of Ireland have been guilty of misdeeds, they were encouraged by this House in their misdeeds; and the Chief Justice of the Queen's Bench in Ireland—put there by no popular appointment—declared two years ago that the legislation of the Imperial Parliament was of one uniform tone—to give power or to increase power to the landlords of Ireland over their tenants. Since, then, the landlords had been encouraged and fostered by the legislation of this House, it was too bad to turn round upon them now. If they blamed the landlords, they must blame this House still more. With regard to the grants, I hold that they will give employment, and, therefore it is well to have them. They will not feed the people, but everything which tends to give employment will tend to keep them alive. The House had shown itself very niggardly; for the Government, with all its faults, would have done more, but their exertions were crippled by the House, and therefore the accusations against the Government, like the attacks upon the landlords, ought to fall rather upon this House, who had shown themselves so very niggardly towards the distresses of Ireland.

Sir H. W. BARRON would not follow the example of the hon. and learned Member who had just sat down, by entering into personalities, but he did regret that any English Member of Parliament should have shown such a bad spirit as the hon. and learned Member for Sheffield had done. But the hon. and learned Member had completely contradicted himself in the course of his speech. He told them that it was the duty of the landlords to undertake the drainage of their own property, and not come to this House for grants for the purpose. Now, as a general principle, that might perhaps be maintained; but the hon. and learned Member concluded by saying, that the Government ought to have organised the people for the purpose of improving the land and increasing the amount of human food: if the hon. and learned Member did not mean by that that Government ought to make grants for this purpose, he was at a loss to understand what the hon. and learned Gentleman could mean. But he begged to say that these were not grants at all. The House had maintained the principle, and acted upon it for the last twenty years, embodying it in Acts of Parliament still existing, with respect both to England and Scotland. By papers presented to Parliament within the last twenty years, it appeared that the Parliament of Great Britain had advanced to England and Scotland loans to the amount of eight millions sterling for bridges, roads, canals, lunatic asylums, workhouses, parish relief, or other public purposes. The hon. and learned Gentleman complained of the landlords of Ireland having been benefited by the former grants to Ireland. He did not know how the hon. and learned Gentleman could make such an assertion, when it was well known that the landlords had remonstrated against the whole system as a wasteful and improvident expenditure of money. The whole operations were conducted by the Government, under the Board of Works. The landlords had no control over them whatever; and, therefore, it was a gross mis-statement to say that the landlords could have appropriated a single shilling of the money. It was notorious that the landlords of Ireland had this year spent 1,600,000*l.* in poor-rates for the support of the poor in that country; and the Chancellor of the Exchequer recently told them that the landlords of Ireland had paid up all their instalments on the loans received for drainage; and yet the hon. and learned Member had the hardihood to come forward and say that the money grants had been spent in such a way as only to benefit the landlords. He would emphatically say, it was spent for the benefit of the poor; and he believed many Irish landlords had imprudently borrowed money to improve their estates for the sake of relieving the poor. He gave his cordial support to the measure. The money was lent on terms which any Jew might lend it upon; and if the Jew got his pound of flesh he could not complain. The people were dying in thousands, of famine, the worst of all deaths. To say that this money was pocketed by Irish landlords, was an uncharitable and groundless taunt. He assured the hon. and learned Gentleman, that it was more in sorrow than in anger that he expressed his dissent from his bitter and unchristian speech.

Lord J. RUSSELL observed, that the hon. and learned Member for Sheffield having been so long absent from the House might account for his evincing a much keener appetite for an Irish debate than hon. Members who had been present from the commencement of the Session were likely to possess; and it was because their hunger was so much abated by the large supply of this kind of food with which they had been furnished, that they had not enjoyed the speech of the hon. and learned

Gentleman with that relish which he probably expected they would do. It did not appear to him (Lord J. Russell) that the hon. and learned Gentleman had entered at all into the subject of debate, or that his speech had any reference to the Bill before the House; it was rather a string of reflections — a sort of moral lesson addressed to them on the subject of Irish distress and Irish prospects. The hon. and learned Gentleman's speech reminded him of the fable of the French horn, which, having been frozen up and dumb for a long time, suddenly became thawed, and gave forth the most melodious sounds. He was glad to hear those sounds again in that House; but, certainly, he would rather the hon. and learned Gentleman had chosen some theme that had not been so repeatedly gone over as the one they were now discussing. He, certainly, should not follow the hon. and learned Gentleman, by entering into any defence of the Irish landlords; there were a sufficient number of persons connected with that body, both in that and the other House of Parliament, to undertake that duty. But with regard to the labourers of Ireland, he must say, that he thought the hon. and learned Gentleman had cast a very unjust reflection on them when he said that, either from the fault of the Government or from some other circumstance, they were unwilling to work and to depend for their subsistence on their own exertions and their own industry. He believed in many districts they were only too impatient to obtain work even at the smallest remuneration— a remuneration that would scarcely procure for them the barest subsistence. In some places, he understood the labourers were willing and anxious to work for their food only; and in others, men, with families to support, were only too glad to labour for 2*d.* a day. Therefore, it was not just to say that the Irish labourers required any lesson such as that which had been read to them by the hon. and learned Gentleman to induce them to embrace any means by which they might obtain, in exchange for their labour, not a living, but mere subsistence. The Bill before the House proposed that a certain sum should be advanced for the purposes of drainage: such drainage to be accomplished partly by the proprietors and occupiers themselves; and partly, where the drainage was of a more extensive character, by the union of several proprietors. This proposition, as it appeared to him, recommended itself on three grounds: first, the whole of the money so advanced was to be expended in labour; in the second place, it was likely to improve the soil, and to increase the production of human food from the land; and, thirdly, that they were in a position to give to the hon. and learned Gentleman and his constituents the most satisfactory proofs that there was every prospect of the sums so advanced being fully repaid, principal and interest. The hon. Member for Waterford had said, truly, that in that country and in Scotland, within the last twenty or thirty years, large sums had been advanced for useful purposes of a similar character — which sums had been repaid—and by means of which many fields, which were previously of little comparative value, were now growing wheat and other crops in the most luxurious profusion; and large tracts of land had been brought into an improved state of cultivation by the draining and other improvements which the money so borrowed from the Exchequer had carried out. Such having been the result in England and Scotland, he did not think they would be adopting a just or a wholesome principle in saying that the same system ought not, under present circumstances, to be applied to Ireland. The hon. Gentleman who last spoke had said that they were driving a bargain with the Irish people that any Jew would be glad to make. That observation reminded him that there was another question to be brought before the House that evening, which he hoped would not be postponed longer than was absolutely necessary.

MR. HORSMAN felt, and was sure the hon. and learned Member for Sheffield, and every other Member of the House, must feel, that Ireland at the present moment had a strong claim upon our generosity. The people of this country had acknowledged that claim; and he had no fear that while the present awful destitution existed, the sources of well-regulated charity would be dried up. Hon. Members ought not to forget the fact that the imperial legislation of the past had tended to Ireland's ruin, and England's benefit; that the misfortune and burden of the connexion between the two countries had been borne by her, and that for years all the profit had been reaped by us; and if by a system of shortsighted and selfish policy we had destroyed her manufactures, annihilated her resources, impoverished and degraded the people, driven capital out of the country, rendered life and property insecure, and the people discontented and miserable, then they

must all feel, that even if for years to come they poured out their contributions much more profusely than they had done for the last three years, they would never make up for the poverty and wretchedness which their past legislation had entailed upon her. Such, he believed, was the feeling of the English people. He confessed he felt much sympathy for the landlords of Ireland at the present moment, knowing, as he did, that for three years past many of them had hardly received any rent, and that many of them had been making the most honourable exertions to struggle through the difficulties with which they were overwhelmed. But, if he understood the objections of the hon. and learned Member for Sheffield rightly, they were not so much objections to aid the destitution and famine existing in Ireland, as to do it by a system objectionable in principle and pernicious in its results. He (Mr. Horsman) held in his hand a Parliamentary paper, which was laid before the House a few days ago, and to which he had referred in his speech on Friday night; and he begged the attention of the House, and particularly of the right hon. Gentleman the Secretary of State for the Home Department, to some extraordinary facts which he found in that paper. The Government had admitted that their first duty was to preserve life in Ireland. Well, how had that principle been carried out? At this moment he found that the destitution and mortality were greater than ever—and he found, moreover, that destitution and mortality distinctly traceable to the Government not answering the demands of the Poor Law Commissioners for assistance. The Commissioners stated that, unless money were sent, starvation and death would be the consequence, and they desired to be absolved from the responsibility of such a result. On one occasion he found them asking for 18,000*l.*, and the Treasury sending them 5,000*l.* On another occasion, instead of 10,000*l.*, he found the Treasury sending them 4,000*l.* The Commissioners say—

"In the case of Bantry union, the Commissioners have to acquaint their Lordships that a report from the temporary inspector has been this day received, stating that in consequence of the advances last week having been curtailed, to the amount of 47*l.*, the relieving officers were left without a shilling for the relief of any urgent cases of destitution, which leads to such cases being sent for food and shelter to the workhouse, and to the consequent overcrowding of the house; and further stating that the deaths in various parts of the union are daily increasing, and for the most part arise from want and exposure. And the inspector further states, that he deems it his duty to impress it strongly on the minds of the Commissioners that any derangement either in the amount or the time of issuing the weekly relief to the people, must prove fatal to many; and he adds, that the relief at present given is, in itself, barely sufficient to support existence for the week; but that should eight or nine days elapse, the natural consequence must be starvation and death; and that the weekly estimates sent up are calculated on the exact amount required for food only for the current week, without including 1*s.* in cash for urgent and pressing cases."

And they further say—

"With respect to the Ennis union, the Commissioners desire to remark, that although they made application to their Lordships on the 25th ult., to place funds at their disposal to enable them to assist this union in case of emergency, no portion of the 6,000*l.* last received has been appropriated to this union, as there does not appear to have been an absolute stoppage of relief although carried on now entirely on credit, to an extent far beyond the means of the union to repay within a reasonable time. As an instance of the irregularities arising from the wants of the necessary funds to meet the engagements of the board of guardians, the Commissioners observe that at a recent meeting the guardians ordered the stewards on the outdoor works to be placed on the out-relief list for support, until the guardians should be in funds to pay them; and also with regard to such of the small contractors as should apply for assistance, that a like indulgence should be granted to them.

"The Commissioners now estimate that the sum of 12,000*l.* is necessary to enable them to afford sufficient assistance to the distressed unions at the close of the present week, taking into account the deficiency in the amount now sent towards the requirements of the last week."

The contractors (at least some of them) refused to supply food to the paupers who were on the point of death, because their bills had not been paid. There was no less a sum than 160,000*l.* due to those contractors, and the result of non-payment was, that some of the contractors themselves were obliged to go into the workhouse. They were also informed that no less than 20,000 persons were requiring relief without a shilling to feed them, and that if a remittance was not sent by return of post, the death of thousands by starvation was inevitable. To this last communication no answer was returned, nor, so far as appeared, was the least notice taken of it. Week after week did the Commissioners write to the Treasury that 20,000 or 30,000 persons, were in a state of destitution, and that many of them had been Friday, Saturday, and Sunday without any relief whatever. He doubted if the history of any country could exhibit a more awful statement than that such a state of distress should be officially communicated to the Government, and that no notice what-

ever should be taken thereof. In the face of Europe he would say that this was a spectacle more disgraceful than anything this country could patiently contemplate. He must say that a tremendous responsibility rested on the shoulders of those upon whom the relief of that destitution and the preservation of life depended; and, considering how generously the people of England had contributed to that object, and that they were ready to contribute generously still, he was surprised how those upon whom the responsibility of distributing the relief rested could sleep in their beds under such a state of circumstances as he had described.

SIR G. GREY said, the hon. Gentleman began, as he did on Friday, by complaining of the system of grants, and he then complained in the next breath that the Government would not give a sixpence to relieve Irish distress. He would say, in answer to the first charge, that under the circumstances in which some of the unions of Ireland were placed, the Government did think it necessary, though they differed from the hon. Gentleman, to appeal to Parliament for a limited sum, in mitigation of that distress. In answer to the second charge, that the Government had received repeated applications for pecuniary assistance, and that they had not sent sixpence in return, he told the hon. Gentleman now, as he told him on Friday night, that he spoke in utter ignorance of the facts of the case, for he (Sir G. Grey) could not suppose, if the hon. Gentleman knew them, that he would indulge in such misinterpretations, anxious as he appeared to be to throw upon the Government the undivided responsibility for the Irish distress. The Government sent to Ireland the further sum which had been placed at their disposal by Parliament; and when they saw the indisposition, the not unnatural indisposition, of Parliament to vote any additional sums, they proposed a Bill in which they inserted a clause that would enable them immediately to advance 100,000*l.* for the relief of distress; and against the third reading of this Bill—after the House had determined the question as between the mode of raising the money there proposed and an income tax—the hon. Gentleman voted. He recorded no unmeaning, empty protest as now, but he recorded his vote in favour of a policy which would have deprived Government of the means of doing that which the hon. Gentleman said they would not do. He would not further notice the attack of the hon. Member, for it had really as little to do with the measure before the House as his attack on Friday had to do with the measure then before them. The hon. Member said he protested against the grant, being utterly unable to distinguish between a Bill for a grant, which might be looked upon as money thrown away, and between a loan secured on Irish property, with respect to which past experience showed that there was a reasonable prospect of both loan and interest being repaid. But as the remarks of the hon. Gentleman had no earthly connexion with the measure before the House, he would satisfy himself with this answer to the charge brought against the Government by the hon. Member for Cockermouth.

MR. HORSMAN said, that the right hon. Gentleman the Home Secretary had charged him with having brought an unfounded accusation against Her Majesty's Government, in having said that they had not laid out sixpence beyond what Parliament had granted, to relieve the starving Irish people. What he had said was founded on what appeared in two letters, dated the 20th and 23rd of April, which were amongst the papers on the table of the House. In one of those letters, addressed to the right hon. Gentleman himself, it was stated that from 20,000 to 30,000 people were in danger of dying of starvation, unless some assistance were afforded them; and the right hon. Gentleman had allowed the observation to remain without any answer at all.

SIR G. GREY said, he should remind the House that his noble Friend the First Lord of the Treasury had said, when the vote of the 50,000*l.* was before the House, that after it should be exhausted he would take upon himself to apply such further limited sum as might be required. He afterwards found that the 6,000*l.* which was advanced would be totally inadequate to relieve the urgent distress, and Parliament was called upon to advance the further sum of 100,000*l.* His noble Friend said he would not feel himself bound by the limita- of the 6,000*l.* and that he would apply such further sum as would be necessary. And he (Sir G. Grey) should now tell the hon. Gentleman, who sought to cast such an aspersion upon the Government, that since the 50,000*l.* had been expended, 26,000*l.* more had been advanced by the Government.

MR. W. KEOGH hoped that as the hon. and learned Member for Sheffield had

alluded to him during his absence, he would be excused for occupying the attention of the House for a moment. Though he had not the pleasure of hearing the hon. and learned Member, he had had the opportunity of hearing the noble Lord at the head of the Government, and he understood that the hon. and learned Member for Sheffield, after his usual custom, had indulged himself and a portion of the House by abusing every Member from Ireland—every person in that country, from the landlord down to the humblest peasant. The noble Lord at the head of the Government had not thought it necessary, in replying to the hon. and learned Member, to advert to those Irish landlords of whom he had on a former occasion spoken in terms of high praise for having made every exertion within the last twelve months to relieve the distress by which they were surrounded. Upon the other hand, the noble Lord had congratulated the House on the return of the hon. and learned Gentleman to Parliament, and said that he was highly pleased at hearing these melodious notes, which, by the way, had been heard three times since the hon. Member's return, and always in terms of censure and satire upon everything and every quarter of the House.

"Thrice the brindled cat hath mewed."

The noble Lord, instead of replying to the hon. and learned Member, and the sneers he had thrown out against the Irish representatives, indulging in the same tone in which he had so often indulged before, had spoken of an Irish debate in terms of censure and disapprobation. He (Mr. Keogh) thought he could account for the reason why the House had so many Irish debates. If the question were justly considered and impartially weighed, it would be found that they had not originated from any desire on the part of the Irish Members eternally to obtrude the misfortunes and grievances of their country on the House; but that they were fairly deducible from the bit-by-bit and patchwork legislation which had proceeded from those in power. If the noble Lord had come down once and for all to the House, as he ought to have come down at the commencement of the last Session—as he might have come down at the commencement of the present Session, but as he was not likely to come down during any part of the Session—with a broad, concentrated, and comprehensive declaration of policy for Ireland, the Irish Members would not be compelled to lay open those sores which it grieved them so often to be obliged to do, and thereby to expose themselves to the censure of others. Therefore, he respectfully said, that he thought observations ought not to be indulged in against Irish Members. He thought the Irish Members, whether they sat on the Opposition or the Ministerial side of the House, ought to be unanimous in rejecting them. He, for his part, would resist to the whole extent of his energy any person, whether he sat on the one side or the other, who assailed the Irish nation through the Irish representatives. So much for the congratulations of the noble Lord, upon the arrival of the hon. and learned Member for Sheffield. He (Mr. Keogh) believed that there was no hon. Member in the House who had so often assailed the Irish representatives as the hon. and learned Member for Sheffield. Now, one word to that hon. and learned Member. He (Mr. Keogh) trusted that when next he indulged his vein—his habitual vein—that green bitter vein which characterised every inch of his body—he trusted that when he assailed Irish Members again, he would have the courtesy, the manliness, to assail them in their presence, and not indulge in a spirit of severity and satire when those who ought to watch him, and would watch him, and were not afraid to reply to him, were not present to hear him. The hon. and learned Member had done him the favour to notice the debate which occurred in the House upon the last night; he had done so in his (Mr. Keogh's) absence. He now told the hon. and learned Gentleman that he was far from thinking that he represented the feelings of his English countrymen out of doors as regarded the Irish people. So far from thinking so, he remembered with gratitude the noble generosity with which the people of this country had come forward in the last two years to relieve the distress of Ireland. He recollected the unanimous feeling of sympathy they had evinced, and he preferred rather to look at their acts than to listen to the bitter words of the hon. and learned Member for Sheffield. But the hon. and learned Member was not so desperate a person, after all, as some Irish Members were inclined to think him—he was not so very dangerous. True, he had indulged in a sweeping attack on the measure now proposed, but he had wound up his attack without submitting any Motion to the House. Therefore, after all, the Sheffield blade was not so dangerous a weapon.

The House would judge of his motives, and the country would be able to distinguish between those who opposed and supported the present measure. The country would also be able to discriminate between what ought to be the honest indignation of a patriotic senator, and the bilious acerbity of a spiteful self-tormentor.

The CHANCELLOR OF THE EXCHEQUER sincerely hoped, that the very few words he should offer to the House, would have the effect of putting an end to the debate that had arisen. He would not have risen but for the extraordinary remarks which had been made by the hon. and learned Gentleman who had just sat down, upon what had fallen from his noble Friend at the head of the Government. These remarks took him (the Chancellor of the Exchequer) altogether by surprise. When the hon. and learned Gentleman said that his noble Friend had added to the sneers against the Irish landlords, and immediately afterwards said, that he had on a previous occasion done full justice to their efforts to relieve the distress of the people, the two expressions contradicted one another. His noble Friend said, that he would not then undertake to defend them, because it was utterly unnecessary. "But," said the hon. and learned Gentleman, "he sneered with the hon. and learned Member for Sheffield about lengthy Irish debates." Why, was it not an appeal of his noble Friend against the hon. and learned Gentleman renewing debates upon subjects that had been already over and over again discussed? What he begged and prayed of the Irish Gentlemen was, that when they (the Government) were carrying plans for the benefit of their country and themselves, they would not occupy the time of the House with discussions upon matters that were altogether irrelevant. He did not by these observations mean to interfere in the slightest degree between the hon. Members for Sheffield and Athlone. They might fight their question out between themselves. But he certainly could not avoid saying that the hon. and learned Member for Athlone had made a most unnecessary and uncalled-for attack upon his noble Friend.

COLONEL DUNNE said, he was not going to make any observations on the speech of the hon. and learned Member for Sheffield, but he would make a very brief remark on that part of the address of the noble Lord the First Minister of the Crown, in which he accused the hon. Member for Cockermouth of having voted against the rate in aid. He (Colonel Dunne) believed that most of the Irish Members had voted against that rate, and he thus publicly thanked the hon. Member for Cockermouth for having voted against it also.

MR. MOORE regretted that the hon. and learned Member for Sheffield should have raised a debate in which he had exhibited the worst passions and the worst feelings that prevailed amongst the worst classes of the people of both countries against their fellow-subjects. The charge against the Irish was, that they might share amongst them as they pleased the causes of their ruin—idleness and improvidence on the part of the peasantry; mismanagement, extravagance, and incapacity on that of the landlords. That was the showing of the question by their opponents. It reminded him of the fable of the man and the lion, who stopped before the picture of a fight between a lion and a man, in which the man was depicted as slaying the lion. "Ah," said the lion, "had the painter been a lion, I have no doubt he would have given a different version of the story." And so with the present case. As a Connaught man, he felt bound to say that there never was an assertion more unfounded in fact, nor one more unjust, ungenerous, and untrue, than that in which all the English Members appeared to agree, as a fair conclusion, with regard to the causes of distress in the west of Ireland. To say that the people had become wretched because they were idle and improvident, was an assertion which was worse than a perversion of the truth. And as to the landlords, the motto seemed to be, "Hit them hard because they have no friends." That was the cry, and hit they were by every one, from the killing candour of the Minister to the melodramatic enmity of the hon. and learned Member for Sheffield. He (Mr. Moore) did not mean to say they were faultless. But they had only gone on *pari passu* with England; and when they were fairly swallowed up in distress and misery then England left them. Cromwell had driven the people in distress and utter poverty into Connaught. They were driven naked into the wilderness; and from that time forth the policy of England was to crush and rend them, to prohibit the Irish people on every point from rising in the moral scale. The landlords could not be fairly reproached with the consequences of the systematic policy of England for ages; and when at length England saw

her error, and relaxed her code of policy, the evil was too deeply rooted to be easily eradicated. When she felt her error she ceased, but slowly, to prosecute; but she lent no helping hand to redeem the folly of the past. He admitted that the landlords might be to blame for some portions—that they might have done a great deal which they did not. They did not sacrifice themselves to posterity. But England was more to blame than they. Let England show the good example. Let England, let the English people, now sacrifice themselves to posterity. They were responsible. Let them manfully bear the penalty. History would be their judge; and if history would not acquit the landlords of blame, neither would it acquit those who made the country waste and destitute originally, and kept it so for their own profit, and who at last, but not until after a long lapse of time, found out that they were but dividing their own house against itself. If the landlords were the cause of the present state of things, bitterly and grievously were they suffering for it. But let those who had so long ruled the country by a system of sectarian legislation, and who had brought it to the ruin now beheld, not expect to escape the penalty of retribution. As to the assertion of the hon. and learned Gentleman opposite, that the landlords received their rents in the west of Ireland, he could know nothing whatsoever of the existing state of things there, if he believed such to be the fact. It was notorious that not 25 per cent of the rents had been paid during the last year.

The House then went into Committee on Clause 1.

Mr. HORSMAN took the opportunity of repeating what he had previously said, to which Her Majesty's Government had not replied. It was very easy to bring charges of ignorance, and of drawing upon imagination. His charge was this—that on the 23rd of April Mr. Nash wrote to say, that 20,000 people were left on the relief officers, who had not a shilling for their support; that those people had been without food for three days; that many of them had died from want and exposure; and that no notice had been taken of that letter. His knowledge of this fact was derived from the official documents laid on the table by the right hon. Baronet; and, if he wished to say he (Mr. Horsman) spoke in ignorance of the facts, he might do so. If his stating those facts was unpleasant to the right hon. Gentleman, his extreme sensitiveness was no proof that he had done his duty—it was a sign rather of a conscience ill at ease. He knew what the right hon. Gentleman's powers of debate were; but he should say, that his extreme sensitiveness was no proof that extraordinary powers of debate might not be found united with extraordinarily defective powers of administration.

Sir G. GREY deprecated being led by the hon. Gentlaman into a long discussion upon various other Bills besides that before the Committee. The hon. Gentleman said, he would not be deterred by any fear of displeasing him (Sir G. Grey) from stating facts. But what he complained of was, that the hon. Gentleman did not state what were facts, but that he had drawn upon his imagination for charges against the Government that were unfounded. The hon. Gentleman charged the Government with dispensing grants of money in a way tending to do harm rather than good, and with spending double the amount that was necessary to do all that was effected. His (Sir G. Grey's) answer was, that they had applied the funds placed at their disposal by Parliament in the way they thought the destitution could best be relieved. They had done that which the hon. Gentleman said they had not done—they had expended the 50,000*l.* granted by Parliament, and 26,000*l.* besides. And they had been authorised by Parliament to expend 100,000*l.* more. And then the hon. Gentleman turned round and charged them with not having dispensed what Parliament had entrusted them with.

Mr. HORSMAN said, if he were irregular at all, it was the fault of the right hon. Gentleman, who had charged him with ignorance, and drawing upon his imagination when he could not rise to give any reply. The right hon. Gentleman then repeated those charges. He now asked him in what had he drawn upon his imagination? He had stated from the papers that the people had no relief and were dying, and likely to die in thousands; that during Friday, Saturday, and Sunday the poor in one union workhouse had no food; that the papers showed that there were no funds to be obtained in some of the unions. And he wanted to know why the Government had hesitated to ask Parliament for a grant of the means to relieve that urgent misery. He said it was a libel and a foul calumny upon the people of England to say that they (the Government) would not obtain any amount requisite for saving the people

of Ireland from starvation. They might be assailed by some parties in the House, and blamed by others, but it was a calumny upon the generosity and charity of the people of England to say that they would refuse the requisite funds for such a purpose.

MR. ROEBUCK said, he hoped the Chairman would allow him to say a few words in explanation of the remarks he had made in a former part of the evening. The noble Lord at the head of the Government had evinced very good humour in the way in which he alluded to him; and he was sure he (Mr. Roebuck) felt much obliged to him for the way in which he put his allusion to his return to the House. He had not the least objection to the joke. But the noble Lord had not answered his observations. His charge was this—that three years ago distress was produced in Ireland—that the Government knew the causes of it—and that they were called on to prevent its recurrence. The distress arose from a famine in consequence of the sudden disappearance of the potato. Now, the noble Lord had not met that destitution by a bold and well-considered set of measures. He (Mr. Roebuck) had said so, and he repeated it—that the noble Lord was frightened—terrified he might say; that he had no system, was governed by no rule, had listened merely to his own sense and sensibility, and immediately had recourse to the large Treasury of England—that, having so had recourse to it, and employed many millions of money, he had left the people of Ireland worse off than he had found them. That was his charge; and his assertion was, that the noble Lord had employed those millions improperly—not improperly in any sense which could affect the noble Lord's character in any way, but in a way which he considered an unstatesmanlike proceeding. He knew the noble Lord's ability—he knew he was powerful in debate—that he possessed perspicacity and generosity; but he (Mr. Roebuck) might say, without any of that asperity—even of manner—which had been so often laid to his charge, that the noble Lord had not met those difficulties in the spirit of a statesman—that he had exhausted the resources of this country, and had not relieved the distress of Ireland. That charge the noble Lord answered. He said it had nothing to do with the Bill before the House. He (Mr. Roebuck) thought it had. He thought that at every step of giving money he had a right to ask what had been done with the money already given, and how Government had relieved the distress of the people of Ireland. The hon. Gentlemen from Ireland all got into a rage when he said a word—when he questioned the policy of the course, they all turned round and looked at that frail body of his. One said he was little, another that he was bilious, and a third that he made grimaces. To return to the debate before them, and leave those Gentlemen to what, he dared say, they called satire — the Gentlemen from Ireland themselves said the noble Lord had misapplied the money. When he asked them how the money should have been applied, every hon. Gentleman had his nostrum. But he found them all saying, the people had been deprived of the fruits of English liberality by persons not paupers engaging a large share of that charity. He did not bring that charge on his own responsibility — it had been the language of every newspaper, of every blue book—in every man's mouth who spoke truly in that House. To-day's papers were full of it. There was a fresh misapplication of it in that sense; but he went further, and he said, when the noble Lord threw that money abroad with both hands, he did mischief in creating habits which it would be exceedingly difficult to eradicate; and in making, where there had been want of thrift, that want double now. When the noble Lord said all this had nothing to do with the Bill before the House, he could not understand him. The Bill was another mode of taking money for Ireland. The right hon. Baronet the Home Secretary told them by implication that he dared not ask the people of England for more money. What did that mean? That the people of England thought (for they did not care for the amount that Government granted) they had done mischief to the country, and no good to the people of Ireland, by the way in which they had laid out that money. It appeared, too, that the hon. and learned Member for Athlone had been pleased to make some remarks on what had fallen from him in the course of the evening. He said nothing more than that he had heard a dialogue of a very peculiar description between the hon. and learned Gentleman and an hon. Member. But the hon. and learned Gentleman having made those remarks, went on to accuse the Government of precisely the same thing as that of which he (Mr. Roebuck) had accused them —bit-by-bit legislation. It might be very

good for us, and when they came to legislate for all the various peculiarities of the English people, they must go step by step; but here Government had ten millions of money at their disposal almost in one day —they laid it out in one year. He asserted that by the employment of that sum properly, they could have set the people to work on their own fertile soil, and have replaced the lost potato by the produce of their labour. What had they done with the ten millions? They had flung them away in every possible manner. It was that which pressed on the right hon. Baronet the Home Secretary, and not the amount of the sum; but that, large as it was, had been expended so injuriously that it had left the people worse off than it had found them. Now, was there anything improper in his making that statement? Then he went further, and asked why the educated body of Irish Gentlemen had not stood forward and set the example of virtue in the appropriation of that sacred fund of charity? Why [said the hon. Member, turning to the benches behind him] could you not keep your hands out of it? I only asked your forbearance, and that you should have kept your fingers from that sacred fund.

Lord J. RUSSELL: Sir, when I said the hon. and learned Member's speech had no immediate reference to this Bill, I spoke of his remarks as being applicable to the general measures which had been adopted for Ireland in the last four years alone; and I certainly surmised that, the House having heard many discussions on this subject, I could hardly obtain such a hearing as the hon. and learned Gentleman seems to suppose if I entered with him into a general discussion with respect to what those measures had been, the events to which they had been applicable, and the general results of their application. The hon, and learned Gentleman, however, again repeats his question, and forces me to go somewhat into the consideration of this question; but I observe, with regard to him, as in an equal degree with regard to every Irish Member, that he attacks the Government in this way—he very much admits the evils with which we had to deal; but then he asks, Why did you not apply remedies? Why did you not make Ireland prosperous? But at the same time he never supposes the magnitude of the calamity with which we had to deal. I shall not ask whether it was wise in landlords of Ireland originally to give leases by which the land suffered—whether the farmers of Ireland did well to allow labourers to have patches of land to cultivate the potato, instead of paying them money wages—whether the labourers did well for their own interest in incurring and promoting early marriages, thereby keeping down the wages of labour, and increasing competition to such an extent that such wages as they did obtain, independent of their own labour, hardly afforded subsistence: whether these things were wisely done or not, is not now matter for consideration. We know they have been done, and we know the sudden stoppage of their progress by the decree of Providence was the calamity with which we had to deal. Could anything have been greater than that calamity? Say there have been three, four, or five millions—take any number you please—there was an immense population not required for the cultivation of the soil by the farmers and occupiers of the land. When the potato failed, was it likely they could obtain more employment? On the contrary, was it not evident they would obtain less? Those who would be called small farmers here, but who were large farmers in Ireland, were afflicted with the same calamity. Their means were diminished at the same time, so that they had less for their own support, or they would no doubt have given the people employment, or that charity which we know was so abundant in Ireland, as long as food was supplied by the harvest. When the calamity appeared in the first instance, the right hon. Baronet the Member for Tamworth, then in power, proposed a total repeal of the corn laws. I think, with the hon. and learned Member, he proposed that measure wisely. I agree with him with respect to the results we are now reaping from it, as far as the great body of the people are concerned; but that measure, of course, was not a remedy for a great part of the evils which affected Ireland—it certainly was not any relief to those who had other productions of the soil to rely on, who had corn to bring to market, and whose prices for their corn had been of course diminished by that measure. Another year of famine appeared to be approaching. We then undertook to introduce a measure similar to those adopted in 1822; and in the beginning of 1846—a measure simple in its nature—not, as the hon. Gentleman now represents, of granting ten millions to prevent the people of Ireland from starving, but one by which, selecting the local bodies such as we were

told by authorities acquainted with Ireland were likely to administer those funds most usefully, we placed in the hands of those bodies the power of presenting for sums to be raised for the districts for which they acted, and to ask for advances on the sums so presented. In 1822 a similar measure was adopted, but no very large sums had been applied for; but in 1846, and the beginning of 1847, the calamity was so overwhelming as to produce consequences far exceeding those of any similar measure adopted in any former year. I am not now blaming the different parties concerned in that Bill, some of them connected with the Government, some individuals connected by property with Ireland; but the effect was this —those local bodies were alarmed, on the failure of the potato, at the prospect of suffering; they were alarmed by the menaces of a starving people; and the result was, that immense presentments were made. The Board of Works was called on to undertake gigantic operations far beyond their means, or the staff at their disposal. The hon. and learned Member is quite well founded in what he says as to the great abuse which arose in the application of the vast sums placed at the disposal of the baronial boards and the Board of Works; but they arose from the gradual increase of the evil—from the prospect that the people would starve unless employment of other kinds were given, and the conduct of the boards in presenting for immense sums for the purpose of those works. When we found those works had extended to such a vast amount, we undertook—certainly a very bold operation in itself—to reduce 120,000 of those workmen at one time, for the purpose of substituting another method of relief, which was, in effect, a charitable distribution of food, placed under a commission in Dublin, of which Sir J. Burgoyne was the head. Now, I don't tell the House that some other measure might not have been adopted if we could have foreseen the exact number of persons wanting food, and that some better application of those sums could not have been devised; but, in the first place, it was impossible for any Government to say what would have been the exact amount of food which would be deficient; and, in the next place, it would be impossible for us to say in what way the sums placed at the disposal of the local boards would be used, or to what extent the amount of applications would be carried. But this I say, that, though I do not stand up as the defender of this system of relief—though I have heard many suggestions every year during the whole time of its operation, I cannot admit I have heard any in which there were not at least as great evils as in that we adopted. Take, for instance, the hon. and learned Gentleman himself. He would have set the people to work in reproductive labour on the soil of Ireland. How was this to be carried on, unless by saying Government should put itself in the place of all the landed proprietors and occupiers of land in Ireland? What proprietor or occupier would then have exerted himself? Who would have undertaken to plough or to sow? If we said every one in Donegal should have seed, and should be paid for ploughing his land, we should have similar demands from other counties, and not ten millions but thirty millions would have been the least required. But the waste of money, says the hon. and learned Gentleman, has been a small part of the evil. You took off persons who were delivered from distress by this mode of relief from the cultivation of the soil. No doubt we did so. But every species of relief, every species of charity, but, above all, compulsory relief by law, is accompanied with this evil, which tends to reduce that stimulus of want which urges men to exert themselves for the produce of food. That is an objection to all poor-laws—it is equally applicable to our own mode of relief. But, if all the ordinary operations of the soil should have been carried on in that way, we should have multiplied tenfold the want of industry, and would have increased almost beyond comparison the evils of which the hon. and learned Member spoke. As to other years, the hon. and learned Member seems to suppose the Government should have reasoned in this way:—In 1846 the potato failed; in 1847 there will be a less quantity of potatoes sowed, and the amount grown will, therefore, be very much diminished; a large part of this will also fail, and in 1848 there will be another failure; and that we should consider what would be our conduct under all these circumstances; but I humbly beg to say no Government could tell what would be the result of the harvest in three different years. We knew there must be severe suffering, but as to the exact amount of the harvest, and the productiveness of the potato, it was quite impossible any Government could have means to enable them to judge. I stated in 1847 the policy we adopted was this—that while we required

very large grants for that year, there should be an amended poor-law, by which the land should be made to support the people of Ireland. I thought it unjust that the charity which had been extended to the residents of Ireland should not be made compulsory on all persons, whether resident or not, and that regular support should by law be provided for the relief of the destitute poor. Now, how has that law answered? In the last half-year I find more than 1,000,000*l.* has been raised for the destitute poor in Ireland. When the hon. and learned Gentleman spoke of the unwillingness of proprietors and occupiers in Ireland to afford relief, I beg to state that, with their diminution of resources, with all the reduction of fortune which individuals have suffered, upwards of 1,000,000*l.* has been raised in that short time to relieve the poor; and I say further, that while I think we were justified in imposing in this Imperial Parliament those burdens on Ireland by the mode in which the collection has been made, the—I cannot say willingness, but—obedience to the law which has induced the people to pay such sums for the purpose, has been highly creditable to those who have paid the rates, and should certainly diminish considerably that virulence of invective by which it is asserted Ireland is not willing to make efforts to relieve her poor. Another measure we introduced in 1847 was to facilitate the sale of incumbered estates, one of great importance, but at the same time of vast intricacy and difficulty. It was carried into effect in 1848, but after some period of experience we found it necessary to invigorate that Act, and to give further powers, that our object might be made effectual, and that the land of Ireland may, if possible, be held by persons who are able to lay out capital on the land, and to employ it for the maintenance of the people. On this subject the House has received suggestions, and the development of views of the highest importance, from the right hon. Baronet the Member for Tamworth, not now present. And if it be any degradation, or if it be any humiliation to a Government to receive from an opposite quarter, or to receive from a Member of the House with whom they are entirely unconnected, suggestions and developments of plans of the highest importance, which we are ready to adopt, I am quite ready to submit to that degradation, and to suffer that humiliation; and if I can receive from any person any addition to the plan the right hon. Baronet suggested, I am quite willing to bear the taunts which may be thrown on us—that in this great calamity —in this great peril and crisis of Ireland, we have been forced to act upon the suggestions of others, and that not from our own wisdom, but from the borrowed plans of others, we have devised a remedy. Sir, I think it would be false pride if I were not to hold this language. The hon. and learned Gentleman seems to think—as many others think—that it is but a sorry result of all this labour that the people of Ireland are still more distressed than ever. But I have not heard any one say that there are plans so powerful, so omnipotent I should say, by which, when the crops which formed the main subsistence of the people had been blighted and destroyed in four consecutive years, an immense population created by that very food could be maintained, so that the calamity would not be greater at the fourth year than at the first. I know no such magical remedy by which you can prevent them suffering increased distress in the fourth year of their calamity. Undoubtedly, Sir, I believe this dispensation has been intended for the good of Ireland. That social state which has been matter of lamentation so long—which has been described by the Poor Law Commissioners of Ireland in 1833 in terms which must excite the pity and lamentation of every one who read them—will in the end be improved by the calamity which has of late years befallen it. That great sufferings must be endured, I think quite necessary to that end. If we have in any measure alleviated those sufferings, I certainly should be contented, but if beyond that we can pave the way for a better order of things—if we can, by any measures, well considered and applied to different objects, and carried out by various machinery, at length amend the social state of Ireland, I certainly shall be proud that such a result should be found to have arisen. But by all this calamity there is one effect I should like to see produced. I could wish that those who have influence on the public mind of Ireland would not represent those who are concerned in the Government and in the legislation of this country as insensible to the evils which afflict that part of the empire. I hold in my hand a paper which I read to-day, and which is an address by the Most Rev. Dr. M'Hale, and published in the *Freeman's Journal*, praising, and very justly, certain contributions which have

been made for the relief of distress; but he goes on to say—

"While some of the contributors have withheld, as may be seen, their names, the truly Christian and patriotic sentiments to which they give utterance would not fail to read a humiliating lesson not only to Her Majesty's Ministers and other officials, by whom the sufferings of the people are looked on with the calmest indifference, but to those unfeeling disciples of the modern school of political economy, who would regulate all the impulses of benevolence, as well as all the duties of Christian morality, by mere arithmetical caculation."

I wish to say, on behalf of Her Majesty's Ministers, that to represent us as looking "with the calmest indifference" on the sufferings of the people of Ireland, is a gross calumny. On the contrary, I beg to say that to us their condition has been a source of the greatest anxiety. We are well aware, on the one hand, that if we refuse relief, for many it will be a sentence to perish from the land. We are aware, on the other hand, that if we give that relief lavishly and indiscriminately, it will increase that apathy and that want of foresight which, unhappily, in that part of Ireland is already too common. Our object has been to steer between those two opposite evils. While dealing imperial resources with no niggard hand to calamity in Ireland, we shall endeavour to apply those resources so that they may in future years be the means of improved cultivation, of increased food, of habits of industry, and of general welfare to the people of that country. While bearing the taunts and reproaches, as well of those who say that we are lavishing the funds of this country on Ireland, as the invectives of those who tell us we are indifferent to or care nothing for the sufferings of Ireland, we shall endeavour to lay the foundations for a complete union of that part of the united kingdom with the other portions. We believe that greater and improved intercourse with Ireland will tend much to that end. Whatever may be the reproaches which were justly cast on Irish proprietors in former times, certainly my belief is that the majority of those proprietors are now only anxious to find the means by which they can improve that country, and provide for the subsistence and for the improvement of those around them. I trust that those who do not take that care—who within the last three years have done nothing for the improvement of their estates in Ireland, will be shamed into imitation, and that they will follow those who have set a glorious example to their fellow-countrymen. For, however it may please Gentlemen in this House to lay all the blame on the Government—however much it may please others who say there ought to be domestic legislation, to lay the blame on the Imperial Parliament, my belief has been, is, and will be, that, unless there is harmony among the various classes in Ireland—unless religious bitterness is assuaged between different sects—unless the feeling so often prevailing between landlord and tenant gives place to a good understanding—unless all classes unite, from the poorest and humblest class of all, in endeavouring to elevate that country, it is in vain that the Government proposes measures—it is in vain that Parliament adopts them—we should only incur miserable failure by all those efforts. But believing, as I do, that the commercial jealousy which so long induced England to withhold from Ireland the means of advancing her own prosperity is now at an end—believing that that political ascendancy which during the last century made the governing class in England look to the support of only a minority in Ireland, has with the change of laws ceased to exist—believing that these circumstances will in time, and by the operation of natural causes, finally have their effect—I am persuaded that we shall at length see, and that our children will see still more clearly than ourselves, that the case of Ireland is not hopeless, and that the people of Ireland, who have been reproached with idleness and improvidence, and who have been beset by adverse circumstances, are as capable of labour, and as greatly endowed with all the physical and moral qualities which lead to eminence and make a people fit to bear the rule of empire, as the people of any other country.

COLONEL DUNNE said, that he would give no answer to the foul charge of the hon. and learned Member for Sheffield—that Irish landlords had put their hands into the sacred fund for the relief of the poor, simply because his answer would not be Parliamentary. His speech was most unfair and most inaccurate. The poor-law might be fitted for an ordinary state of society, but it was wholly unfitted for the present condition of Ireland. Giving the Government credit for the best wishes towards that country, he could not but think they were most unfortunate in their choice of measures.

MR. VERNON SMITH asked whether the 500,000*l.* now to be voted would be

applied to the immediate employment of labour, or would, as had been the case with former advances, be spread over several years?

The CHANCELLOR of the EXCHEQUER said, that the 900,000*l.*, the remaining portion of the 1,500,000*l.* not yet issued, would not be available for the employment of labour this year. But it was obvious that when a work was once commenced, it went on much faster than at the beginning; the great difficulty was in the beginning. After the first instalment was expended, the second and subsequent ones went much more rapidly. With regard to the 300,000*l.*, part of the 500,000*l.*, he did not see how it was possible to apply it in a way different from that in which former appropriations for the same purpose had been applied. He could not compel gentlemen to drain their land faster than it was ordinarily drained, nor to expend the whole of the 300,000*l.* in one year; for, were he to do so, they would come to him next year, arguing that, as they had given them the means for beginning, they must be enabled to go on. The whole would be required to be spent within a given time, but not in the first year. With regard to the sum for arterial drainage, the whole of that was to be expended in one year.

Mr. VERNON SMITH said, that if he understood the right hon. Baronet correctly, the whole of the 300,000*l.* would not be applied this year, but only about 100,000*l.*

Mr. HORSMAN said, he found it stated in the evidence that some proprietors had obtained these advances without intending to use the money. The Chancellor of the Exchequer had said the other night that that money was allocated—not expended, and that he had no further power over it. Now, if there was a certain number of proprietors who had taken this money, and were waiting to see how things turned out before they commenced their improvements, he wished to know if the House had not the power either to make them expend it within a certain time, or repay the advance, that the money might be lent to others, who would make good use of it. There certainly ought to be some limitation of time, as in Railway Bills.

The CHANCELLOR of the EXCHEQUER: The answer to that is, simply, that what the hon. Gentleman says ought to be done has been done. I stated the other evening, that a great part of the 300,000*l.* had been advanced in that way.

Mr. HORSMAN: Still, that is not the question. Have those gentlemen the power of keeping the money back as long as they like?

The CHANCELLOR of the EXCHEQUER: They have not that power. I issued a circular not long ago, informing those gentlemen who did not choose to go on spending the money, that I should not grant them any more.

Mr. B. OSBORNE complained of the desultory nature of the discussion, and said, that reference to past grants was not apposite on that occasion. The past was gone by; and an hon. Gentleman was not justified, because he had been absent from the House some time, in coming down and renewing a discussion on the 10,000,000*l.* grant which had been disposed of last year. The sum now proposed was not a grant, but a loan, which he doubted not would be scrupulously repaid. If any grant at all were to be made to Ireland, it could not be better laid out than in advances for drainage. He had seen its excellent effects; he had seen cases where, had not the proprietors obtained these loans, the whole of the district around would have been in a state of starvation. He had also seen the good effects of this system on the agriculture of Ireland; and he must do the Lord Lieutenant the justice to say, that the sending of agricultural instructors into different parts of Ireland had been attended with the very best effects. For, in the midst of this horrible poverty and destitution, there was a manifest improvement in the agricultural districts. We were too apt to put down to Providence what had resulted from our own neglect. Ireland had long been suffered to remain in total dependence on the potato. The danger now was of rushing into the other extreme, and striving to supersede or abolish the potato. Should that take place, no legislation could possibly save the people from further famine; for this they had only to look to the resuscitation of the potato, to a certain extent and within proper limits. Hon. Gentlemen might theorise for ever; but nothing would ever convince him or the people of Ireland that a cheap and easily-grown food was a bad food. It might be cultivated to too great an extent, but they could never hope to struggle through their difficulties in Ireland without its revival to a certain extent. The potato had this year been cultivated to a greater

extent than for many years past; he trusted the result would be successful. Government could not pass any measure which would support the poor people; they erred, but with the best motives, in attempting to do that in the first instance. He would remind the hon. and learned Member for Sheffield, who had talked of liking to have money to drain his own farm, that it was perfectly open to make application for a loan, as these advances were not confined to Ireland, but were made both in England and Scotland; it was therefore invidious to hold up one country against the other in this respect.

MR. BANKES wished to ask a question of the right hon. the Chancellor of the Exchequer. He by no means joined in the feelings of the hon. and learned Member for Sheffield, or sympathised with the bitterness with which he had expressed his hostile feeling towards the Irish Members —their conduct, as it appeared to him, had not merited any such censure—but when the hon. and learned Member said that the population of England looked with considerable anxiety to these votes, he said nothing but the truth. The House was aware that there existed in this part of the united kingdom very great distress; and it therefore became their duty to inquire where this grant of money was to come from. It was very well to say that it was a loan, and would be honestly repaid; but they were to advance the money, and he wanted to know from the Chancellor of the Exchequer where it was to come from. When did the right hon. Gentleman intend to make his financial statement or budget? Already the Session had advanced to a period beyond which it would not formerly have been thought becoming to delay it. Looking at the distress which prevailed among the agricultural classes, and at the anticipated deficiency in the revenue—alleged to arise from the blockades in the North, and other causes—he thought he was doing nothing unreasonable in asking for answers to the questions he had put.

The CHANCELLOR OF THE EXCHEQUER said, that in answer to the question where the money was to come from, he would remind the hon. Gentleman that he had stated, last Session, that expenses had been incurred for the Kafir war, and other matters, which had been defrayed out of the moneys in the Exchequer, and which it was necessary to replace. For that purpose, two millions had been borrowed at the close of last year. This had placed the balances in the Exchequer in such a state that he trusted there would not be the least difficulty in advancing this money from the Consolidated Fund, without calling on the country to pay a single sixpence out of pocket. As to the annual financial statement, the usual period for bringing forward the budget was by no means past. He had been anxious not to make the statement at an earlier period—and for the reason which the hon. Gentleman had given. Had he done so, he should have been justified in making the statement more favourable than he should do at the present moment. The blockade of the northern ports, and the unsettled state of the Continent, had given a considerable check to that anticipated improvement of trade in which the commercial world had indulged in the month of January. These elements of uncertainty still prevailing, he had delayed making the statement; and he hoped the House would allow him some short delay further before doing so. Of course it was desirable he should make it with the greatest possible accuracy; he proposed to make it as soon as possible; but, had he made it in February, he should certainly have led the House into a misapprehension—not by any fault of his own—but owing to the financial prospect having been changed by circumstances over which legislation could exercise no control.

MR. ROEBUCK said, that certain gentlemen had recently been accused of "cooking a dividend;" he thought the right hon. Gentleman had been taking a leaf out of their book. He said the taxgatherer would not go round in consequence of this advance, because he had borrowed the money, and had in hand enough for the advance. But surely, like an honest man, he meant to pay his debts. Therefore, every farthing he had borrowed only went to postpone the pressure; and he was in reality, at the present moment, "cooking the public accounts."

MR. F. FRENCH said, it was a mistake to suppose that every assistance to Ireland pressed unduly on the industry of this country. This assumed that Ireland was not fairly taxed; whereas he was prepared to show that she was more heavily taxed than this country.

MR. GROGAN asked if a receiver would be appointed over the estates for the improvement of which these advances were made; also, as to the conditions on which the grants for drainage would be made,

particularly as it regarded what were called "second assents."

The CHANCELLOR OF THE EXCHEQUER said, the definition of the word "owner" had been settled by the former Act, and this it was not proposed to alter. Whoever came into possession of an estate after the cessation of a limited interest, would have the benefit of the land being better drained than if the money had not been expended. As to the other case alluded to, where second assents were necessary in order to authorise a greater expenditure than 3*l.* per acre, there were some instances in which it might be desirable to dispense with those second assents; but, in general, he was not prepared to give the whole power to the Board of Works. He could not undertake to introduce Bills for amending these Acts. Recent experience of the difficulty of getting Bills on Irish matters through the House, did not offer any inducement to bring in amendments on existing Acts, which might lead to interminable discussions.

MR. J. O'CONNELL said, as the noble Lord at the head of the Government had referred to the Archbishop of Tuam, he thought it his duty to state that that prelate, by his exertions, had secured an amount of subscriptions which had prevented great waste of life, and hundreds of persons owed their lives to him at this moment.

The CHANCELLOR of the EXCHEQUER, in answer to Mr. Arkwright, said, he hoped to produce his financial statement within a month.

Bill passed through Committee, the blanks being filled up with 300,000*l.* and 200,000*l.* respectively.

House resumed.

PARLIAMENTARY OATHS BILL.

On the Motion that the House should go into Committee on this Bill,

SIR R. PEEL rose, and said: Sir, I have a question to put to the noble Lord at the head of the Government, as to the effect of this Bill on the position of Her Majesty's subjects professing the Jewish religion. I had hoped that it was the intention of the Government to place the Jews on precisely the same footing, with respect both to Parliamentary and civil offices, on which all classes of Her Majesty's subjects, with that single exception, at present stand. The law has provided an oath to be taken by the Roman Catholic which qualifies him to take his seat in either branch of the Legislature. That same oath, to which the Roman Catholic has no conscientious scruples, and takes without the slightest difficulty—which was formed that he might take it without difficulty—gives him with respect to civil offices as well as to Parliament, a clear and unquestionable qualification. With respect to the Protestant Dissenter, and other classes of Her Majesty's subjects dissenting from the Church of England, the state of the law I apprehend to be this. In respect to municipal offices, all parties elected to any municipal office are enabled to hold such office on making a certain declaration—which is a substitute for the necessity which formerly existed of taking the sacramental test. That same declaration is required also, on the appointment to civil office; but in the new form of declaration words are inserted which make it impossible for the Jew to take that declaration. Those words are—

> "I do solemnly and sincerely, in the presence of God, profess, testify, and declare, upon the true faith of a Christian, that I will never exercise any of the powers which this office may confer upon me, for the purpose of disturbing or injuring the Church as by law established."

The Dissenter, other than a Roman Catholic, who makes that declaration, is qualified for municipal office, qualified also for all other offices, provided he makes that declaration within six months. If I recollect right, in the case of municipal office, the declaration must be made at the time of admission or within one month before admission; in the case of civil offices generally it must be made within six months after admission. Still, it is a declaration which the Jew cannot take. The noble Lord relieves the Jew, as far as Parliament is concerned; but if this Bill passes in its present form, the Jew will still remain disqualified from holding civil office; as he must still profess to make the declaration "upon the true faith of a Christian." There may be a question whether the passing of the annual Indemnity Act will not practically capacitate the Jew for holding civil office, by extending indefinitely the period within which the declaration must be made; but I, for one, wish to see the situation of the Jew the same as that of all other classes, and that it should not be necessary for the Jew to hold civil office by the precarious tenure of an annual Indemnity Act. I think the measure will be incomplete, unless the Jewish subjects of Her

Majesty are placed, both with regard to civil office and to Parliament, on the footing on which all other subjects of Her Majesty are placed, whether professing the religion of the Established Church or any other. If the noble Lord tells me that the difficulties of dealing with the limited question are sufficiently great, and that he does not wish to hazard the loss of the present measure by increasing those difficulties, I am so desirous of attaining the object which it contemplates, that I shall forbear from pressing my objection. But I do hope that the noble Lord does not intend to place the Jew on any less favoured—I should rather say on any less just—footing than the rest of Her Majesty's subjects.

Lord J. RUSSELL: The Bill which I introduced last year, as the right hon. Gentleman is aware, was a Bill which allowed the Jews to enter Parliament, which relieved them from the words which they object to in the oath, and likewise admitted them to civil offices. That Bill was rejected in the other House of Parliament. The Bill I have introduced this year is a Bill partly upon a different subject. It is a Bill applying, as its main object, to a regulation of the oaths to be taken by the Members of both Houses of Parliament. It provides for the oath to be taken by all the members of the Church, and by Protestant Dissenters, leaving the Roman Catholic oath as it stands; it likewise provides a declaration to be taken by the Quakers, and a form of oath or declaration to be taken by the Jews. I do not think in this Bill, which relates to a separate subject, that it would be possible to introduce any provision for giving the Jews civil office; but I consider that it does admit them to the highest privileges of the constitution, namely, the power of sitting in the two Houses of Parliament. And I cannot conceive, if this Bill pass, that there will be any difficulty or any objection in either House of Parliament to the carrying of a measure by which the Jews should enjoy the same privileges as the Protestant Dissenters and the Roman Catholics. I entirely agree with the right hon. Gentleman in thinking that they ought to have the same privileges; and I wished to show that opinion by the Bill which I introduced last year. I certainly do not wish to take the benefit of any hon. Member supposing that I do not intend to carry into effect the principle of that measure to its full extent, or that I do not intend to introduce, soon after this Bill shall have become law, a measure admitting the Jews to civil offices. Supposing the Bill to be carried in its present shape, the situation of the Jews, for a time, will be similar to that which, for a long period, was the situation of the Protestant Dissenters. They sat in this House, by virtue of the oaths they took, to which they had no objection; but they could not hold civil offices, except by virtue of the Act of Indemnity. If this Bill pass, therefore, the Jew will be from that time in a situation similar to that of the Protestant Dissenters. But certainly my opinion is, that there ought not to be a disqualification of any kind, and that the Jews should be admitted to all civil offices, in the same way as the Dissenters. By an Act passed during the administration of the right hon. Baronet the Member for Tamworth, the Jews were already admitted to municipal offices; and a member of that persuasion has filled the office of sheriff in the city of London.

Mr. BANKES said, the noble Lord at the head of the Government had told them with truth that the Bill now introduced had two objects: the one was to amend the oaths at present taken by all persons not being Roman Catholics, on entering the House; the other object of the Bill was to admit, for the first time, Jews to hold seats in Parliament. Now it had been said, with reference to admitting Jews to Parliament, that there was a smaller degree of numerical opposition to this Bill than was offered to the Bill of last year; but this circumstance was, perhaps, owing to the present Bill not being solely confined to the admission of the Jews, but also embracing the amendment of the oaths taken by all the Members of that House except Roman Catholics; and it was pretty generally allowed by all parties in the House, that the present oaths were now in many respects obsolete, and even in some degree ridiculous, such as in seeking to bind persons taking the oaths not to support the claims of parties who no longer existed. Now, although he (Mr. Bankes) considered the part of the Bill for altering the existing oaths was not framed in the manner which he believed desirable or convenient, yet he would join in Committee in effecting their amendment; but as to that part of the Bill relating to the admission of the Jews, he would most certainly support the Amendment of which notice had been given by the hon. Member for West Surrey, viz., to exclude that portion of the measure alto-

gether; because he must give his most determined opposition to admitting Jews to a seat in a Legislature where they would be allowed to pass laws for the Christian Established Church, they having not only no belief in the Christian faith, but a decided disbelief of every part of its distinctive tenets. He, however, had no objection to Jews being allowed to exercise administrative functions; and he felt surprised at what had fallen from the right hon. Member for Tamworth with respect to the Jew being disqualified from holding civil office, the more so because he found gentlemen of that persuasion holding the office of sheriff of the first county in the kingdom, and of sheriff of the first city in Europe. He (Mr. Bankes) thought that a legislative measure had been passed which enabled Jews to discharge magisterial and all other civil and municipal offices, with the exception of acting as judges of the land. He believed that such would be found to be the case, and that there was no necessity for resorting to the Bill of Indemnity. When this Bill was first introduced, it was attempted to be supported by reference to the practice of foreign countries in allowing the Jews to sit in their legislatures and hold high civil office. Now, without attributing the events that had recently taken place on the Continent to the practice of excluding no class of religionists from their legislative assemblies, yet he must be permitted—simply as a refutation of the argument of the noble Lord, and nothing more—to refer to what had since taken place in France and at Frankfort, as proving that the safety supposed to be found in the admission of persons of all classes and opinions, was fallacious and unfounded. But with regard to the oaths taken by Catholic Members of this House, he (Mr. Bankes) would be glad to relieve them from what they called a stigma cast upon them in pledges and assurances being exacted from them which were not exacted from Protestants; but he (Mr. Bankes) was prepared to say that he would not require the Catholic to enter into any obligation that he was not equally ready to subject himself to; and surely no Catholic could reasonably feel offended at such impartial treatment as that? Surely a better title could be found for this Bill than its present one. It professed to be a Bill to alter and amend the oaths taken by Members of Parliament; but surely it would be more creditable to their legislation to make this a Bill to regulate the oaths, declarations, and affirmations to be taken by Members of both Houses of Parliament. That course would be more simple, precise, and complete, and would unite in one Bill all the different oaths applicable to this subject, instead of leaving the oaths to be gathered from the three different Acts referred to in this Bill, a course which led to considerable inconvenience and difficulty. Having made these suggestions, he would not delay the House any further from going into Committee.

Sir R. PEEL wished to explain that his previous observations about the Jew had reference to all civil and military offices under the Crown, in respect to which the declaration against transubstantiation was obliged to be made. They had no reference to municipal offices, because in 1845 the Jew was relieved from the oaths and placed on the same footing as other classes of Her Majesty's subjects; but this applied to municipal offices only.

Mr. P. HOWARD said, that there was a general wish that those who entered Parliament should be bound by one common oath, and he sincerely trusted that they might on that occasion come to such a decision as should realise that object.

Mr. GOULBURN said, that by the Bill of last year the same oath was to be taken by the Jews that was taken by the Roman Catholics. The oath taken by the latter contained a restriction with respect to the disturbance of property. By the present Bill, however, the case was altered, for they did not exact from the Jew the same pledge which they called on the Roman Catholic to make. He should like to know from the noble Lord what was the cause of the alteration, as he considered the pledge to be as requisite in the one case as in the other.

Lord J. RUSSELL said, he stated the reason of the alteration when he introduced the Bill.

Mr. J. O'CONNELL must enter his protest against the inference that the Roman Catholic Members were under any peculiar restrictions.

Mr. LAW said, as to the rejection of so much of the former oath as related to the disavowal of the belief that the Pope had any spiritual jurisdiction or ecclesiastical authority in this country, that he could not consent to part with these words of the oath, as he considered them to be a security even in the case of Protestants themselves.

The House then went into Committee.

On Clause 1 being proposed,

MR. VERNON SMITH moved the Amendment of which he had given notice, for the omission of certain words in the clause. He could not understand why these words should be retained in the Protestant oath; for, with regard to Protestants, they appeared to be altogether superfluous. Then, with regard to the declaration, "that I will defend to the utmost of my power the settlement of property within these realms as established by law;" although something might be said in its defence as respected the Roman Catholic, he did not know to what it could refer as regarded the Protestants and the Jew. Then came the declaration which was to be abolished as far as the Jews were concerned, but which was retained as regarded all others, "I declare and promise all this on the true faith of a Christian." It was said by some hon. Gentleman, that the words "on the true faith of a Christian" were retained in order not to shock public feeling. He should be the last person to wish to shock public feeling when founded on just grounds; but in the present instance he thought that that House should rather lead than follow public feeling. The retention of the words "on the true faith of a Christian," as the law would stand after the passing of this Bill, appeared to him to be not only unnecessary but improper, because when there was such a variety of creeds in the House, it appeared to be a mockery to make a declaration on the faith of a creed. When hon. Gentlemen meant totally different things when they made this declaration—not only doctrinally, but when they could not even agree, in many instances, in the sense of the word "Christian"—he thought it would be more decorous to have the words expunged from the oath than to retain them. There would be something indecorous likewise in calling on the Jew to stop when he came to these words. He considered the Bill to be a clumsy contrivance, and not framed with the usual adroitness of his noble Friend, who had, however, too much to attend to to be able to devote much time to the details of such measures. With regard to the Roman Catholic Members, nothing could be more unseemly than the position in which they were put by the oath they were called on to take. The right hon. Gentleman the Master of the Mint, the hon. Member for Limerick, and the noble Lord the Member for Arundel, each following his own view of the oath, put a different construction on it. An hon. Gentleman of that House, on another occasion, taunted the Roman Catholic Members with the non-observance of their oath. Was it right that such scenes should continue in that House? It was thought that the words in the Roman Catholic oath gave some security to the Established Church. On looking over the debates in *Hansard*, at the time of the passing of the Emancipation Act, he did not find any one Member stating that he assented to the Bill owing to that security. He had been much pleased to hear the right hon. Baronet the Member for Tamworth express a wish to place the Jews on an equal footing with other classes; and he must say he did not think they were so placed in this Bill. Look, again, at the position in which Catholics would stand if this oath were left to be taken by Protestants and Jews. Though the terms of the Catholic oath had now been in existence twenty years, yet no man had ever considered that it gave any of the securities it professed; and it contained some words of which even the Earl of Winchilsea, one of the most generous opponents of the Catholic Relief Bill, suggested the omission, as they related to doctrines which he believed had been held by no Catholic for very many years. If the sixth clause was altogether omitted, as proposed by the hon. Member for Dundalk, he thought that the simple oath of allegiance and of adherence to the succession of the Throne as now established, would be quite sufficient for all. As the law would stand when this Bill passed, the Protestants would have to take one oath; the Jews would have to take the same oath, with a bit out; the Roman Catholic would have to take a different oath; and the Quaker would have to make an affirmation. He thought it much better than one oath and one affirmation should be taken by all who came to be sworn at that table.

First Clause (Oath to be taken as a qualification for sitting and voting in Parliament instead of the Oaths of Allegiance, Supremacy, and Abjuration).

Amendment proposed to the Oath—

"To leave out the words 'and that I do not believe that the Pope of Rome or any other Foreign Prince, Prelate, Person, State, or Potentate hath, or ought to have, any temporal or civil jurisdiction, authority, or power within this Realm; and that I will defend, to the utmost of my power, the settlement of property within this Realm as established by the laws.'"

LORD J. RUSSELL: Mr. Bernal, there were at present three classes of persons who took the oaths: first, the Protestants,

all of whom took the various oaths of allegiance, supremacy, and abjuration. There were, however, a class of Protestants belonging to the Society of Friends who did not take that part of the oath of abjuration which ended with the words, "on the true faith of a Christian." They declared that they made the declaration "heartily, willingly, and truly;" and this declaration had been made by two hon. Gentlemen now Members of that House. Yet they were told that the whole sanctity of the oath would be destroyed if the words "on the true faith of a Christian" were not taken by all the Members of that House. The Roman Catholics took an oath in which the words "on the true faith of a Christian" were not included; and this oath was settled by the Act of 1829, after a contest which lasted many years, and after many disputes as to whether there were any securities under which Roman Catholics could be admitted to the Legislature with a due regard to the safety and welfare of the existing institutions of the country. These three classes of oaths being thus administered, and each of these classes of persons being willing to take the several oaths and declarations he had mentioned, what he proposed was, that with regard to the Protestant Members generally there should be a more simple form of oath, because a great part of the oath now taken was evidently inappropriate to the present time, and bound Members of that House to declare that a number of persons who had no existence whatever had no right to the Crown of these realms. It was obvious that in so important a matter as that of the oaths to be taken by Members of that House, there should not be a deal of unnecessary declaration in those oaths. His right hon. Friend the Member for Northampton said, he proposed a short declaration which the Roman Catholics as well as other persons should take. Now, he did not think it would be wise to disturb a settlement which had been made after so many conflicts and so much consideration, and which, as he had understood, the Roman Catholics had supported as a full and complete admission of their claim to sit in Parliament. The right hon. Gentleman thought that the declaration which he (Lord J. Russell) proposed was clumsily drawn. Now, he had suggested the oath in question as being word for word, with the exception of the last two words, according to the form recommended by the commissioners appointed to consider the subject, and who recommended that this oath should be administered to all Roman Catholics appointed to offices under the State, although they did not make any suggestion with regard to Members of Parliament. That commission included Sir E. Ryan, Mr. Starkie, and other persons of considerable authority and great learning; and they made their report, in May, 1845, to Lord Lyndhurst, as Lord Chancellor, after considering the whole subject of this declaration. With regard to Jews, the right hon. Gentleman appeared to think that he should consider it an insult, if he were a Jew, that the words "on the true faith of a Christian" should be left out of the oath. He did not see why the right hon. Gentleman should so consider the omission of these words. They were not contained in the oath taken by Roman Catholics, or in the declaration made by Quakers; and why, therefore, his right hon. Friend would consider it an insult that they should be omitted from the oath taken by Jews, he could not conceive. He had put them in the proposed declaration to be made by this Bill, because, as his right hon. Friend admitted, it was likely to be considered offensive that the words now contained in the oath of abjuration should be omitted, and the words "on the true faith of a Christian" should be maintained in the declaration. The right hon. Gentleman wished to substitute one oath for all denominations, and instead of having four oaths to have two. Now it did not seem that they could very well accomplish that object. He admitted that it was desirable, but he did not think they could take the oath of Roman Catholic Members without encountering many objections from the Protestant Dissenters, who would object to take that oath; and if they took the shorter form of that oath, and substituted it for the Roman Catholic oath, as settled in 1829, they would be taking away the foundation of that settlement, to which many Members would also object. The practical object was to place all classes of Her Majesty's subjects upon such terms that they should all be willing to take the oaths prescribed for them; and that was more important than framing in exact and simple terms a form of oath which so many persons would object to that it would not be possible to carry it.

Mr. GOULBURN considered it would certainly be unadvisable to do anything which, by altering the oath taken by Catholics, should have a tendency to disturb

the settlement of 1829. He had listened to the observations of the noble Lord to see if he could answer the question which he had put to him before the Speaker left the chair. He took the liberty to ask why, if he thought the clause to which he referred was necessary in 1848, he did not think it was necessary in 1849; and the noble Lord said he did not think them to be necessary, because certain learned commissioners approved of the oath introduced in the Bill: but he (Mr. Goulburn) wanted to know why, within the last year, the noble Lord had proposed an oath different from that approved of in 1845. After the statement of the noble Lord, he was as ignorant why he had changed his mind as he was before that statement was made. The noble Lord had said that a portion of the oaths taken was inapplicable to the present times, and that it was wrong to call on people to swear to what was not absolutely necessary. But if it was a sacred duty not to swear to that which was not applicable to the immediate age in which they lived, why did the noble Lord retain the oath of abjuration with regard to office when he did not retain it with regard to Membership of that House?

MR. BOUVERIE said, he found a new term introduced in the Catholic oath, to this effect:—

"I will defend, to the utmost of my power, the settlement of property within this realm as established by the laws:"—

now, if he were called on to take this oath, he should like to know what it was that he really had to swear. He could attach no definite meaning to these words. For the sake of argument, he was a younger brother—and he might be opposed to the law of primogeniture.

LORD J. RUSSELL believed the words were originally introduced with a view to security with respect to the Roman Catholics in Ireland, but not in reference to seats in Parliament, but with regard to certain places which they were allowed to hold in Ireland, it having been a general and current accusation against them that they wished to disturb the settlement of property, not only church property, but lay property, for the purpose of restoring it to those who held that property before the settlement was made by law. When the Roman Catholic Bill was introduced into the House, it was thought desirable to take the words of the former oath. It was also thought that it would not be desirable to have a different oath for Irish and English Members, as there could be no religious scruple on the part of any person in saying he would not interfere with the settlement of any property as settled by law.

MR. J. O'CONNELL was very glad to hear the noble Lord say that: it was according to his interpretation of the Catholic oath. He found in the Catholic oath the following words: "I will defend, to the utmost of my power, the settlement of property within the realm as established by the laws;" and after that he found, "I solemnly abjure any intention to subvert the present Church Establishment as settled by law." What was the difference between "established by law," and "settled by law?" He did not propose to subvert church property, but merely on the grounds of national justice, and because he was not an advocate for violent changes in the institutions of the country of any kind; and when people of a particular sect had the faith of the nation so long pledged to them, and got accustomed to a certain system, he would not advocate the violent abrogation of it; but there was nothing, he conceived, to prevent him from taking part in making any fresh settlement that might be expedient.

MR. C. ANSTEY observed, that the hon. and learned Member for Limerick seemed to him to confound two matters which in their own nature were perfectly distinct. The hon. and learned Gentleman had said that he might vote for the confiscation of any property in the country. But, even though he possessed the power so to vote, no one would say that he had any right to exercise that power; nor did the hon. and learned Member say so himself. On the contrary, he considered that the Roman Catholic Members of that House were bound to leave the succession to property as they found it. They had no right whatever to take a single farthing of property belonging to the Church, without making ample compensation for any loss which such appropriation might occasion. If the commissioners were to preclude the House by that portion of the report to which reference had been made, he considered that if they did so it must have the effect of forcing the House to adopt the whole of the report. It appeared to him that they ought to avail themselves of the present opportunity to revise all the oaths which Members of Parliament were called upon to take; and in the use of that opportunity he saw no reason why they

should keep within the strict terms of the report of the commissioners. It need scarcely be observed, that any one who read the Roman Catholic oath must at once see that it was full of anomalies. The oath was, in fact, to this effect, that they held it would be unlawful for them to depose any sovereign who had been excommunicated by the See of Rome. Then, though Roman Catholics might have the best possible reasons for opposing a sovereign, the moment it became his fortune to be excommunicated, that instant the hostility of the Roman Catholic must cease. Next came mental reservation. Surely, if the Roman Catholics were capable of practising one degree of mental reservation, they must be capable of that still larger reservation against which no form of words in an oath could possibly provide. He repeated that he considered the Roman Catholic oath, as it stood at present, precluded him from voting away the property of the Established Church; he hoped that Protestant Members would reconsider the question, with the view of making some concessions, and he begged to remind them that if this opportunity were lost it would be difficult to find another.

Mr. W. J. FOX said, that the speeches which had been delivered upon this subject were a striking illustration of the vanity of attempting to guide the conduct of men by oaths. The interpretations put upon the oath by the two hon. Members who spoke last, were exactly opposed to each other. If the hon. and learned Member for Limerick were correct, he would ask hon. Members opposite what it was that they contended so earnestly for? And what security had the present state of the Church Establishment in the words they were so anxious to preserve in the oaths taken by Roman Catholic Members of Parliament? If that interpretation were correct, they had no security whatever that the hon. and learned Member would not go the length of moving the abolition of that Church as a political establishment. If the hon. and learned Member for Youghal were correct in his interpretation, his constituents had a right to complain that their representative was debarred from touching a large and important subject, in which they, in common with the remainder of their fellow-subjects, were deeply interested. The hon. and learned Gentleman's constituents might say, "We sent you to Parliament to legislate on whatever concerns our well-being: we pay to the Church of England whether we belong to its communion or not; it is in possession of large endowments, given for the spiritual culture of the entire population, and we have a right, at least, to look after the proper disposal of those endowments." The question of Church property was continually touched on one way or the other, and the constituents of the hon. and learned Member had a right to complain if his lips were to be closed upon that question. The noble Lord at the head of the Government, in explanation, had rightly said that a portion of the oath which related to the settlement of property was a portion of the oath which might be conscientiously taken by all. He (Mr. Fox) apprehended it might be taken by everybody; but what did it amount to when taken? The arguments advanced showed that it was worth as much as that portion of the oath which related to any arrangement of ecclesiastical property. It was the general feeling of this country to respect property. Communism itself scarcely denied the rights of property; and when the noble Lord referred to an oath deemed indispensable fifty years ago—because at that time some Irishmen claimed property possessed by their ancestors 100 years before that—he could not have given a juster or more forcible reason why the words should not now be dispensed with. But the question was not whether any portions of the oath might be left out, but whether they would be responded to by any feelings in the breasts of those who took the oaths, so as, in short, to be a moral and mental obligation. If the words were simply superfluous, as, for instance, he took those to be which referred to the authority of the Pope, he must ask whether it would promote the respect with which the proceedings of that House were received in the country, whether it accorded with the sanctity of religion, that unmeaning and superfluous words should be introduced into this oath, simply because they might be conscientiously taken? An oath should be something more than a mere acquiescence in terms; every word in it should speak to the reason, to the heart, to the conscience. A compact of twenty years' standing was pleaded by the noble Lord as a reason why the terms of the Roman Catholic oath should not be changed; but what party contract ought to be allowed to bind the free course of legislation in this country? Since that time parties had changed—new leaders had arisen, and old

leaders had changed. If the hearty concurrence of the mind were wanting, no good could result from the imposition of an oath, but it was certain that evil would result. Supposing both sides to be honest in its interpretation, as he believed they were, it would expose Members of the House to reproaches and taunts from others, painful for them to endure, and painful to others to be auditors of. The prevention of such scenes would be alone a sufficient reason for the forms of the House being changed. "The true faith of a Christian." What was that? Each individual in his own conscience must answer the question. They could not impose a creed by those words upon the conscience of another. It included all varieties of Christians, from those who believed the most, to those who believed the least. But by those words hon. Members were anxious to exclude the Jews, and yet they admitted those who had more affinity with the Jew in his notions of the Deity than with the Christian. He doubted, however, whether the words had any reference to doctrine or creed at all. The noble Lord had stated that the words were introduced because oaths were at that time taken with mental reservation, and the words on "the true faith of a Christian" were added to show that there was no such reservation. "True faith" and "false faith" were then terms of common parlance, and might be found in all the writings of the day. Shakspeare, in *Richard the Third*, speaks of "false faith," and Bolingbroke, in another play, asserts his "true faith." "The true faith of a Christian" was the phrase then continually in the mouths of knights, nobles, and commoners; it meant no creed or doctrine, but was an asseveration of sincerity and fidelity, of truth and honour, and that there was no mental reservation or equivocation. In this way the conscientious Jew might, although not in the same words, take the oath with a faith as true as that of a Christian. For these reasons he would vote for the Amendment.

Mr. C. ANSTEY remarked that when the hon. Member who had just sat down asserted that his constituents would have reason to complain, he would have acted more discreetly had he first inquired whether his constituents and himself had any understanding upon the matter. It did so happen that he (Mr. Anstey) had taken the earliest opportunity of making a declaration that he would never give a vote which would lead to the spoliation or the confiscation of the property of the Church Establishment to the value of a single farthing. He was happy to say that he had not lost one Roman Catholic vote by that honest declaration.

Mr. BRIGHT desired to explain his position with regard to the measure, because he sat in that House as one of perhaps a small number who believed that the taking oaths at all was not effectual for any good or useful purpose, and was opposed, as he undoubtedly considered it to be, to the precepts of that very religion which was brought before the notice of the Gentlemen when they took their seats in that House. But he voted for the Bill on this simple ground. It did not increase the number of oaths to be taken; it did not adopt the principle of oaths where the principle did not previously operate; and it would open the door to a class of our fellow-countrymen for whom he felt great sympathy, and whose full liberty he hoped to see established as completely as the liberty of the sect to which he himself belonged, and of every other sect existing in this country. There had recently been an occasion in the House on which he thought the state of this question was shown to be absurd and ridiculous. On that occasion, not long ago, three Members of the House stood at the table on the same evening and at the same time to make the declaration or to take the oaths required of them prior to taking their seats. One of these Gentlemen was the noble Lord the Member for Horsham, a member of the Roman Catholic Church, the other two being Members for Leicester, one of whom belonged to the sect of which he (Mr. Bright) was a member. The noble Lord took the Roman Catholic oath; the one Member for Leicester took what might be specially called the Protestant oath, the other Member for Leicester took the declaration appointed for members of the Society of Friends. He could not exactly say, at the moment, how much this last differed from the oath, but it was not an oath at all. It appeared to him at the time, that, had a stranger watched the course taken by these three Members on the occasion, he would have come to a conclusion entirely different from that which the actual state of things in this country justified. He would have supposed that a great and bitter antagonism prevailed among the various classes of the community, and that three of those classes, represented by the three Members, were, by reason of this bitterness and hostility,

called upon to take oaths, the one as against the other, in order that they might be bound not to destroy certain institutions which the great body of the House, and of the country, thought worth preserving. He thought the House would do wisely to agree to the proposal of the right hon. Member for Northampton, on this ground, that it would simplify this question of oaths extremely, and place all the Members of the House on the same footing, at least, as to taking any oath at all; and he was prepared to maintain that every man who, under our constitution, was elected a Member of that House, had a fair right, on all the principles of that constitution, to enter that House on the same terms and with the same powers as other Members, and was to be considered fully entitled to exercise his judgment upon, and to vote upon, any and all subjects that came before him. The other day, when the Bill of the hon. Member for Kilmarnock, the Clergy Relief Bill, was under discussion, a Motion was made in Committee that a clergyman should be allowed to secede from the ministry of the Church of England without declaring himself a Dissenter; that, in fact, he might become a layman of the Church. When the House divided on that question, several Gentlemen, Roman Catholic Members, felt themselves unable to vote on the question, and walked out of the House in a humiliating position—not so much humiliating to them, for, on the contrary, they were acting as conscientious men—but humiliating to the character of the House, inasmuch as some of the best, most intelligent, and certainly most conscientious Members of that House, were, by the operation of this absurd distinction, compelled to walk out and take no part in a division upon a matter most important to the community. The House must see the absurdity of a system which, time after time, in every Session, whenever any question affecting the management or funds of the Church arose, prevented forty or fifty or sixty of the representatives of the people from giving their votes upon subjects so closely connected with the interests of the people. No man could pretend that civil or religious equality in that House was complete so long as this system prevailed. He had already observed that in his opinion oaths were not necessary or effectual for any good purpose. A Committee of the Lords, some time ago, sat for two Sessions upon the subject of oaths, and, in accordance with their reports, many oaths were abolished in several departments of the public service, especially in the customs. Did any man believe that any evil had arisen in any department from the abolition of the hundreds of thousands, the millions of oaths, which would otherwise have been taken from that time to this? What was the use of the oaths taken at the table of the House? In France, the National Assembly, had abolished political oaths, because the Assembly considered that, from 1790 up to 1848, a great number of oaths had been taken, and taken honestly, under one order of things, which were no longer at all events necessary or practicable under a new order things. There was not a single proposition in any one of these oaths, not even in the oath in question, which might not, under certain circumstances, be broken—he did not say criminally, but from the inevitable nature of the case. There was always a mental reservation in taking an oath or making a declaration like this—a mental reservation not actually felt, but arising from the necessities of the case. He could describe a state of things in which every hon. Member of that House would in a manner act directly opposite to the terms of the oath he was required to take. For himself, as a Member of the House who had been permitted to come to the table without taking an oath, upon a declaration to which he should adhere as firmly as though it were an oath, he was bound to say he should be exceedingly glad if every other Member of the House were in like manner dispensed from the necessity of taking an oath. He believed that the public respect for truth would be greatly increased were oaths abolished altogether, and men taught that the pledge of their word and their honour laid an obligation upon them the most impressive that could be imposed. He should vote for the Bill as far as it went, because it admitted the Jews to Parliament, and he should vote for the Amendment of the hon. and learned Member for Northampton, because it simplified the question, and would relieve the Roman Catholic Members from the unjust and unpleasant position in which they now stood in relation to oaths.

MR. HENLEY could not say that the explanation given by the noble Lord at the head of the Government, in answer to the question of the hon. Member for Kilmarnock, was at all satisfactory. The noble Lord in his explanation referred to the re-

port of a commission; but that report only recommended modifications in the oaths of parties not Members of Parliament. Now, in his opinion, there was a great distinction to be drawn between parties who had to obey the law, and those who had to make the law. He hoped the noble Lord, or the hon. and learned Solicitor General, would further explain the meaning of the words which had been objected to in the oath.

The SOLICITOR GENERAL said, that his interpretation of the clause relative to the non-disturbance of property was this. The expression was originally put into the Roman Catholic oath, because it was known that church property originally belonged to the Roman Catholic Church, and it was the opinion of the members of that Church that they were still entitled to it; and it was thought necessary to raise a shield, so that members of that religion should not take advantage of having seats in that House to get the property of the Church restored to the Roman Catholics after the lapse of so many years. He did not believe that any hon. Member would feel himself bound not to vote on an Act of Parliament, relative to the settlement of property, which might come before them in the ordinary course of business. If the clause were to be so interpreted, it would fetter the House so as to prevent a large number of Members voting on every Act which came before them on questions relative to real property. He believed that that portion of the oath might be unnecessary.

MR. HENLEY said, the hon. and learned Gentleman was speaking of the Catholic oath, while his question referred to the Protestant oath.

The SOLICITOR GENERAL said, that the clause was originally found in the Roman Catholic oath, and he was giving the reason why it was so introduced. When it was proposed by the commissioners that there should be a general oath for all persons, it was proposed to put all matter that was not objected to on religious grounds, and which had been established by length of time, into one general oath; and they did not introduce the words which applied to Roman Catholics more than any other. If they made a general oath, it appeared desirable that it should not merely apply to one particular denomination, but that it should be of such a nature that those who might feel induced, if they were not restrained by an oath to undermine or alter the settlement of the Church, would be bound to respect it. The words first appeared in the oath to be taken by Roman Catholics; but he did not know that the words were of any great importance, as he did not believe that even the Roman Catholics wished to interfere with the settlement of the Church property. All oaths he considered to be difficult of explanation, as it was manifest that, among the various denominations of Christians, some would be bound by particular words which would not be binding on others. For these reasons the words had been introduced into the oath to make it as binding as possible, though, as he had stated, it originally appeared in the Roman Catholic oath.

MR. DISRAELI: Sir, I do not think the explanation which has just been given by the hon. and learned Gentleman quite satisfactory. He endeavours to explain a general question by a particular application; and such explanation, I think, will not be quite satisfactory to the Committee. I apprehend—I speak under correction—that the first time the settlement of property was referred to in an oath, was in the first declaration made by the Prince of Orange, and that there could be then no doubt to what it referred. It included Woburn Abbey; and though the noble Lord the First Minister of the Crown is, like the hon. Member for Kilmarnock, a younger son, I believe that is a settlement which even the noble Lord would not wish to disturb. I agree with the right hon. Member for the University of Cambridge, that it is not only unadvisable, but that it is impolitic and unnecessary, to destroy the old form of the oaths. But when we are called upon to consider a new oath, it is our duty severely to examine and analyse it. For myself, I have no doubt that the clause was originally intended to prevent the Roman Catholic party interfering with the settlement of the church property. It is easily understood, and why it was introduced. I now come to the present oath; and I cannot understand why the expression is introduced. If it is only intended for the Roman Catholics, nothing can be more preposterous than its introduction. The Government have framed an oath which the Members of the Government themselves cannot define. The idea of an oath which is to be restrictive only on one class of persons taking it, is preposterous. We see here that the Government have brought forward a new oath, and introduced a phrase which they cannot define,

and which phrase, there appears to be no doubt, only applies to an undivided and very limited class of persons. I consider that the Government have not daily considered the oath; and I trust they will pardon me if I advise them to take a little time for reflection, before pressing it on the Committee for adoption.

Mr. W. P. WOOD trusted that the Government would not press the clause as it stood. They ought to remember who they were calling to witness when taking an oath, and use as few words as possible. However applicable the words might be in a Roman Catholic oath, could any one believe that Protestants thought "that the Pope of Rome, or any other foreign Prince, Prelate, State," &c., had any power in this kingdom, especially when only three lines before they had sworn allegiance to the Sovereign of the realm? The settlement of property had been explained to allude to the settlement of the tithe question, and also to have a bearing on the forfeited estates in Ireland. Could any one believe that Protestants wished to alter those laws; and if they did so, were they not entitled to bring them forward in that House? He begged to tell the noble Lord that they ought to be left free and unshackled in the performance of their duty. Could they forget that the head of the Legislature—George III.—had considered himself restricted by the oaths he had taken at his coronation to giving his consent to the admission of Roman Catholics to the Legislature? The head of the Legislature to whom he had alluded might have acted under a mistaken notion; but it was well known that that was the interpretation he put upon his oath. There could be no doubt that the words "true faith" had been meant to refer to those belonging to the Church, and the words were originally directed against those opposed to the Church, and who were supposed to act under peculiar errors. If that was the meaning of "true faith," why should an oath containing these words be imposed on parties who never held, and who were never suspected to have held, any doctrines adverse to the Church—especially as all parties who were sworn on the New Testament must swear on the faith of a Christian, if they believed in it at all. This oath was evidently not intended to apply to Jews, because there was another clause especially for their benefit. If these words were intended as a test, he should object to them, as he was sure the abolition of tests was one of those points which, sooner or later, would be established; and that House had already sanctioned the principle that they would not require tests by the large majority by which they had approved of that Bill. They wished to have the Legislature exclusively Christian; but the nation was not exclusively Christian, and surely the admission of two or three Jews could no more unchristianise the House of Commons, than 42,000 Jews could unchristianise the nation.

Lord J. RUSSELL: Sir, objections have been made to almost all the parts of this oath. Some hon. Gentlemen who have objected to this oath might as well have objected to any oath at all, for they said it was not necessary to make an oath in respect to matters upon which persons were generally agreed; and certainly no Member of this House would object to take the oath of allegiance. But with respect to the words which my right hon. Friend proposes to omit, I must say that I took the whole words of the oath from the report of the commissioners; thinking it was better to use their language than to propose words of my own. I must admit, however, after the objections which have been made, that I do not think the words with regard to the "Pope of Rome," and the "settlement of property," are necessary. But I am asked whether I would not leave out those words besides, "And I do make this recognition, declaration, and promise, heartily, willingly, and truly, upon the true faith of a Christian." Now, it does not appear to me that those words ought to be omitted. I know it was stated by hon. Gentlemen, that it is almost a mockery to use these words, because the words "upon the true faith of a Christian," are differently understood by different sects of Christians. It appears to me that the only value of these words is the value originally attached to them—namely, as a sanction and imparting a certain solemnity to the other words of the oath. I imagine that this is the purpose for which those words were originally introduced, and I see no objection to retain them for that purpose. That form of swearing upon the New Testament, "and upon the holy contents of this book," might be said not to be a good form of oath, because many persons might not agree in their interpretation of the different texts of Scripture—there might be different opinions upon different texts, and, therefore, it might not be proper to swear all upon the same Testa-

ment. I see no reason for omitting those words. Many think their omission would diminish the sanction of an oath; and upon the whole, I think it would not be fitting in me to assent to their omission. I shall be however satisfied, if such be the wish of the Committee, to leave out the words—"And I do not believe that the Pope of Rome, or any other foreign Prince, Prelate, Person, State, or Potentate hath, or ought to have, any temporal or civil jurisdiction, authority, or power within this realm."

Mr. WALPOLE said, that he could assure the House he would not long trespass on its attention. He thought there were three great objects attained by the present oaths, which ought not to be given up or lost sight of. In the first place, they imposed a religious obligation for the proper performance and discharge of our duties; secondly, they tended to explain and inform us, as clearly as possible, what is meant by allegiance; and, thirdly, they gave, and were meant to give, some satisfaction or guarantee to the people of this country—that is to say, to the Protestant feeling of this country — that the Protestant Church and Protestant Establishment should not be interfered with. With regard to the first, he believed that the country were still prepared to continue to maintain that religious obligation; and as, in point of fact, they did retain it in all their courts of justice, he thought that the country would not desire to give it up when it was applied to the highest of all our courts—the high court of Parliament. With regard to the second, he wished to remind the House that the three oaths which were now taken by Members were the oath of allegiance, the oath of supremacy, and the oath of abjuration. If he understood the meaning of these three oaths, it was this: the oath of allegiance confesses the allegiance which we owe by birth, and bind ourselves to pay, to the Sovereign of the country for the time being; the oath of supremacy shows that this allegiance is an undivided allegiance; and the oath of abjuration continues allegiance to the heirs of the Sovereign, according to the Act of Settlement. Now, anybody who considered the nature and object of these three oaths would clearly see that the principle embodied in them was, first, allegiance; secondly, undivided allegiance; and, thirdly, a continuation of that allegiance according to the Act of Settlement. Therefore, he would vote for retaining the words which the right hon. Gentleman the Member for Northampton proposed to omit. These words he thought necessary, so as to satisfy the Protestant mind and feeling of this country. However, he would suggest that the words "temporal and civil" should be omitted from the proposed oath; for now the oath contained the words "ecclesiastical or spiritual," without the words "temporal and civil;" and leaving out the words "ecclesiastical or spiritual," and putting in the words "temporal and civil," it might appear, by way of inference, that they were going to recognise no ecclesiastical jurisdiction other than that already recognised. One word in reply to the argument of the hon. and learned Member for Oxford, for the omission of the words "on the faith of a Christian." The hon. and learned Member said that the admission of two or three Jews here would not make this House less Christian. He should, however, recollect that one of the great arguments with which we were pressed was this, that the Parliament was originally a Protestant Parliament, and that by the admission of Roman Catholics it could not be considered such any longer. By parity of reason, therefore, if they admitted a few Jews into it, they might make it no longer a Christian Parliament. In conclusion, he observed that if the oath was altered in the way he proposed, it would still give satisfaction to the Protestant mind and feeling of this country, while it would materially improve it by abbreviating and simplifying it; but he must also add that, in his opinion, it was only right, before the Members of this House took their seats, that they should give a guarantee to the Protestant people of this country, not merely of allegiance, but of undivided allegiance to the reigning Sovereign, remembering always, in the language of Lord Bacon, that no one should become "a competitor and co-rival with the Queen for the hearts and obediences of the Queen's subjects."

Sir R. PEEL was glad the noble Lord had consented to omit the words "and that I will defend to the utmost of my power the settlement of property within this realm," and to relieve Protestants from the obligation which the oath would otherwise impose upon them. He had heard various accounts of the origin of the introduction of these words, but without being satisfied that they were correct. The words were originally inserted in the Roman Catholic oath at an early period in the

relaxation of Roman Catholic disabilities, for the purpose of meeting objections made to the Roman Catholic that he was not disposed to acquiesce in the settlement of property in Ireland. These words, "the settlement of property," had a special meaning. They had reference to a declaration made by Charles II. in 1660, shortly after his restoration, in which he made a settlement of the forfeited estates —adjusted various conflicting claims to landed property in Ireland, and he gave back to the Protestant Church the properties in the possession of which that Church had been disturbed during the rebellion of 1641, and the troubled times that followed. In 1662 the Parliament of Ireland confirmed the declaration made by Charles II. in 1660, by an Act which was called the Act of Settlement. That Act of Settlement constituted his title to large masses of Irish property. The Roman Catholic, on being relieved from certain civil disabilities, was required to give an assurance that he would acquiesce in the settlement of property, as made in 1662, and not attempt to disturb it. When, therefore, the Roman Catholic oath was inserted in the Act of 1829, the words relating to the settlement of property were continued from the Acts of 1793 and 1795; and the Roman Catholic repeated the assurance that he would acquiesce in the settlement of property which had taken place after the restoration of Charles II. Such was the immediate cause of the introduction into the oath of the words "the settlement of property." He thought the noble Lord had acted wisely in not disturbing the Roman Catholic oath in the Act of 1829. The House might effect one or other of two objects. They might possibly devise some better or more philosophical oath than they had at present; or, retaining the existing oath, they might relieve their Jewish fellow-subjects from their disabilities. Now, he advised the House not to lose sight of the latter object, and not, by attempting to make an unexceptionable oath, to raise up additional impediments to the accomplishment of that object. Let the House remember the efforts made last year, which then failed. If the noble Lord introduced a new form of oath to be taken by Protestants, it would no doubt become the House to examine it, and to remove any objections to which it might be fairly liable. To require an English Protestant to declare that he would maintain the settlement of property was quite unnecessary. The noble Lord had referred to the report of the commissioners. But the oath they proposed was a common oath, to be taken both by the Roman Catholic and the Protestant; and they were unwilling to relieve the Roman Catholic from the obligation to declare that he would not disturb the settlement of property in Ireland. If there were to be a separate oath for the Protestant, it was needless to require from him any such assurance. He was inclined to think the noble Lord judged wisely in consenting to omit the words relating to the jurisdiction of the Pope of Rome. It certainly seemed superfluous to require from a Protestant or a Jew, or a Protestant Dissenter, any denial of such jurisdiction. The hon. and learned Gentleman the Member for Midhurst, who never made a suggestion which was not worth consideration, proposed that the noble Lord should omit the words "spiritual and ecclesiastical." But even if they omitted these words, the objection which the Earl of Clancarty and others maintained, would still continue to be urged. If, then, there was to be any alteration in the oath for those who were not Roman Catholics, it was better to omit, as the noble Lord proposed, any reference to the jurisdiction of the Pope, than attempt to qualify that jurisdiction: the more simple the form of oath the better. His earnest desire was to concur in the main object of capacitating the Jews to participate in all those privileges which the other subjects of Her Majesty enjoyed; and his advice to the supporters of the measure was, not to enter into a nice disquisition on the subject of oaths, but to bear in mind the object of the Bill, which was to put a loyal and estimable class of Her Majesty's subjects upon the footing of political equality with the other subjects of Her Majesty.

Mr. J. STUART considered the suggestion of his hon. and learned Friend the Member for Midhurst of great importance. The hon. and learned Member proposed words which seemed to him (Mr. Stuart) to be of great importance, as they would exclude the advice or interference of any foreign Power to induce the subjects of this realm to disobey the civil power in any matter whatever. He thought that was the most rational view to take, because there were many cases where a man might doubt whether it came under the head of the temporal or spiritual power. How would the question stand, as he had

already said, with regard to education? and he could mention ten other matters which would present equal difficulty. He wished to ask, moreover, whether the oath was to remain as it stood in the printed copy of the Bill, or whether it was to be amended in the manner which the noble Lord had expressed his willingness to-night to agree to? for this alteration had come upon them quite suddenly. He would ask the Solicitor General how they would stand with respect to common law, which excluded the power of the Pope, as well spiritual and ecclesiastical as temporal and spiritual? Even when the Church of England adhered to the doctrines of the Church of Rome, she defied the power of the Pope as much as she ought to do now. He wanted to know whether they were still to consider that as the common law of England or not, because, for his own part, he professed himself utterly unable to understand the opinions either of the right hon. Baronet the Member for Tamworth, or of the noble Lord at the head of the Government.

SIR R. PEEL, in explanation, said, the hon. and learned Gentleman completely mistook the view he (Sir R. Peel) took of the subject. He did not like the insertion of the words "temporal or civil," as proposed by the noble Lord. He had taken the oath, and with a safe conscience, that neither the Pope of Rome, nor any other foreign Power, prince, state, or potentate, had any power whatever, whether ecclesiastical or civil, temporal or civil, within these realms. If he were now to insert the words "temporal and civil," he would give rise to the presumption that he recognised the existence, on the part of the Pope of Rome, of a spiritual and ecclesiastical jurisdiction. Therefore he said, he would rather that the words calling upon them to disclaim the temporal and civil jurisdiction of the Pope were omitted altogether, lest it should by his silence appear as if he recognised the other kind of authority. He could, with a safe conscience, take the oath which excluded the spiritual and ecclesiastical authority of the Pope, in the same manner as many Roman Catholics did immediately after the Reformation; that was to say, he denied that the Pope had any spiritual or ecclesiastical authority of a co-active nature. He denied that he had any jurisdiction which a court of law in this country would enforce; but he did not deny that, if there were any persons in this country who did defer to the authority of the Pope, they were in conscience bound by his decisions, and would recognise his authority. He conceived that the Pope's authority was of the same nature with the meeting of a Dissenting body in the United States, or of the Wesleyan Methodists; those who deferred to the authority of that body would be bound in conscience by its decisions, but that external authority would have no power to enforce its decisions upon any one within this realm. He would, therefore, much rather leave the oath in the simple form, which was sufficient for every conscientious man, for it appeared to him to include everything—"I will be faithful, and bear true allegiance to Her Majesty, her Crown and dignity."

LORD J. RUSSELL said, that, as the hon. and learned Gentleman the Member for Newark had appealed to him to state his opinion in respect to this matter, he would give it to him in a few words. He had always taken the oath, understanding by it that the Pope had no authority or jurisdiction which could be enforced by any court or tribunal in this kingdom. This was his interpretation of the oath. But many persons—among others, two Peers of the realm, the Earl of Clancarty had Lord Grantley—were of a different opinion. They held that spiritual jurisdiction or authority meant such as was known to be exercised over persons in this country, and more particularly in Ireland. He (Lord J. Russell) did not agree with that interpretation; but he thought, when they were altering the oaths to relieve other parties, it would be fitting at the same time to make such an alteration as would enable those noble Lords to take their seats in the House of Lords. He wrote to Lord Clancarty, who had put his opinions in print, to ask him if he had any objections to the words of the Roman Catholic oath; and he replied that he would have no objection to take that oath. His object, therefore, was to take away words which were misunderstood by persons entitled to take their seats in Parliament. But the hon. and learned Gentleman the Member for Newark said, if these words were omitted, what would become of the common law? Now, he could not see that their omitting to take an oath would affect the common law one way or the other. The common law maintained its force with respect to many subjects on which it was not thought necessary by the Legislature to impose any oath whatever, either upon Members of Parliament or others. The

supremacy of the Pope not being allowed by the common law of the kingdom, he imagined that it would remain the same whether an oath was taken on the subject or not.

Sir R. H. INGLIS would respectfully remind the Committee that they were not framing a new oath, but altering an old one, and that they were altering it, not for the realm at large, but for themselves, so that whatever they omitted now they would, in the judgment of their fellow-citizens, be held to have abandoned. But he must also add, that they were altering only for themselves—they were not altering for their fellow-subjects. The First Minister of the Crown could not take his place at the Council board without taking the very oath which here he proposed to nullify, or to reduce almost to nothing in the case of a Member who took his seat in that House. He objected also to the sudden manner in which, since the debate had commenced, the Government had proposed to relinquish certain clauses in that oath. He could not think this was a fair specimen of the way in which legislation ought to be conducted; and he trusted that the House, if it did not reinsert all the words of the old oath, would at least not agree to the form of oath which the noble Lord proposed to substitute for it.

Mr. GREENE suggested that all the difficulties would be obviated by leaving out the word "hath" in the declaration that no foreign prince "hath" or ought to have jurisdiction in the country. The form would then run, that "no foreign prince ought to have jurisdiction."

Mr. VERNON SMITH denied that he had said this proposed form was a clumsy contrivance of the noble Lord's. He certainly said it was a clumsy contrivance, not conceived with the noble Lord's usual adroitness; and the noble Lord had since proved the accuracy of his opinion, by stating that the clumsy contrivance was not his, but taken from the blue book of the Commissioners on Criminal Law. With regard to what had been said by the right hon. Baronet the Member for Tamworth, if he thought his Amendment would endanger the success of the Bill elsewhere, he certainly would not press it; but he could not think that would be the case, and he was deeply impressed with the impropriety of the words used, as he thought it would be much better if one simple form of oath were substituted, which could be taken by every Member. As for the Amendment which he had proposed to the existing Bill, he found that the noble Lord agreed with him in part, and he would leave the rest of it to the sense of the House, that hon. Gentlemen might deal with it according to their opinion.

Mr. DISRAELI thought it was hardly consistent with the importance of the subject to press it upon the House in this fragmentary form, as it was scarcely possible to understand the question.

Mr. LAW wished to know distinctly what question was before the House, and how the Chairman was to put an Amendment which, abandoned by the Mover, had passed into the hands of the Government?

The CHAIRMAN then read the clause of the oath beginning "and that I do not believe that the Pope of Rome," &c. "hath or ought to have any civil jurisdiction," &c., and said, the question he should put to the House was, that the words "and that I do not believe that" stand part of the Bill, as this way of putting it would allow Members either to negative these, and with them the subsequent words of the clause; or, retaining these, to move what amendment they should think proper on the rest of the clause.

Mr. DISRAELI said, there were really two questions before the House; one part of the clause referred to the jurisdiction of the Pope, and the other to the settlement of property.

Lord J. RUSSELL said, it was obvious, if the words to be put by Mr. Bernal to the House should be negatived, the rest of the clause would be lost; and if not, there was still opportunity for amendments.

Mr. SPOONER moved that the Chairman report progress, and ask leave to sit again.

Lord J. RUSSELL said, he thought he had never heard a question better debated. Speeches had been made by the hon. and learned Member for Midhurst, the right hon. Member for Tamworth, the hon. and learned Member for Oxford, and the hon. and learned Member for Newark, quite exhausting the subject, and therefore he submitted that there was no reason, after all this discussion, for the hon. Member for Warwickshire interrupting the Committee for some observations that he might wish to make.

Mr. SPOONER said, that it was not because the House had manifested its unwillingness to hear any observations on this

question that he had moved that the Chairman report progress, but because he really did not understand the question which had been put from the chair. The noble Lord himself had been distinctly asked what was the question really before the House, and he could not answer the question.

The CHAIRMAN: The reason why I proposed to put the question upon the first words only was, to afford any hon. Member, as I have before said, an opportunity of proposing any amendment as I proceeded to put it; because, if the question were put upon the omission of the whole of the words, no amendment could be proposed.

Mr. PLUMPTRE thought his hon. Friend the Member for Warwickshire had acted very properly in moving that the Chairman report progress. The House had been completely taken by surprise by the course just adopted by the Government. The noble Lord at the head of the Government, as well as the right hon. Gentleman the Home Secretary, had first spoken against, and now declared that they were prepared to vote for, the Amendment. This was too important a question to be disposed of hastily. He thought that the noble Lord would not be doing justice to himself or to the House, if he would not consent to the Chairman reporting progress, and asking leave to sit again. Let the noble Lord state what course he meant to adopt, so that they might know distinctly what they were about. He would suggest the propriety of printing the oath in the form in which it was proposed, before proceeding further, because it was hardly possible to decide upon it in its present state.

Sir G. GREY could not understand how the House had been taken by surprise on this matter. When the case was looked into, he must say that it was very difficult to find any arguments by which to defend the retention of the words in the oaths to be taken exclusively by Protestants, which words were intended to be taken as a security against Roman Catholics. The way in which the Chairman had put the question was very clear. If there were any hon. Gentlemen who thought that the oath, in the form in which it was now inserted in the Bill, ought to be retained, they, of course, would vote against the exclusion of these words, "And that I do not believe," &c. If they did not think it necessary to impose on Protestants any declaration about the Pope of Rome having temporal or civil jurisdiction in this realm, he presumed they would vote for the omission of the words in question.

Mr. DISRAELI: My hon. Friend the Member for Warwickshire, when he said that the House had been taken by surprise, only meant to say that the House was surprised that the Government should have brought forward a form of oath which the Secretary of State had just informed the House no human being, in his opinion, could defend; and after having discussed the question, as I think, on the whole with very good temper, and twelve o'clock having arrived, I did not think that it was an unreasonable act on the part of my hon. Friend who moved this Amendment, to suggest that the noble Lord should print the form of the oath which he recommended to the House. I am very anxious to see no obstruction offered to the passage of this Bill, being a warm supporter of it—being as warm and perhaps a more fervent supporter than many hon. Gentlemen in this House—having laboured for the cause before they dreamt of it, and having supported it, not for those merely political reasons which some hon. Gentlemen do in this House; but really after the critical observations which have been made upon the Bill as brought before the House, to all of which Her Majesty's Government have assented, I cannot conceive that Her Majesty's Government should impute any desire to make a factious obstruction to the Bill, because my hon. Friend the Member for Warwickshire has, at this hour of the night, moved this Amendment, with a view to obtain further time for consideration on the proposed alterations. I am sure that my hon. Friend, and every one present must be anxious to proceed with the business, if the Government would only supply the House with accurate information as to their real intentions. I think the Government are not entitled to call upon the House at once to assent to a new form of oath on so important a subject, when they themselves are not prepared precisely to recommend any definitive course. I hope the Government will really consider these things in a better temper.

Lord J. RUSSELL: The hon. Gentleman says that the Government are not prepared to come to any definitive conclusion upon the subject. Now, I have said, I believe, three times, and this will be the fourth, that after the discussion which has taken place, I am quite right in omitting the words with respect to the Pope of Rome, and the words with respect to the

settlement of property within the realm. I think it is unnecessary to retain them in the oath; and I cannot conceive how anybody can say that there should be a discussion for several hours in this House upon the question, and still that no understanding has been come to as to its meaning.

MR. J. O'CONNELL desired to know what was the meaning of the words "settlement of property" in the oath? Could a Catholic, under the noble Lord's Bill for the sale of estates in Ireland, purchase lands now settled in the possession of Protestants?

MR. ROEBUCK thought the construction of the right hon. Gentleman the Home Secretary would probably mislead many hon. Members. They should take the oath word by word. If they objected to a word, conceiving what it led to, they would vote against it; if looking at the word, and knowing to what it led, they would vote for it. If he said "No" to the word, let them say "Aye."

MR. BROTHERTON expressed a hope that the Chairman would be allowed to report progress, as it was impossible they could settle the question satisfactorily that night. The result of a division now would merely be to leave these words of the oath standing, "I do not believe."

MR. W. MILES rose and said, he did not wish to utter a word against the understanding of the Chairman, who had certainly put the question in a very intelligible way; but the only question for the House to consider was, whether a Bill of such importance, involving an alteration of the whole of the Parliamentary oath, should be assented to before the country had an opportunity of understanding it. After having in the first instance opposed the Amendment of the right hon. Member for Northampton, the Government now acceded to it, and proposed out of twelve lines to strike out eight lines of the oath. He therefore thought that it was but reasonable that the Chairman should report progress, and ask for leave to sit again, with the view of enabling the Government to print their alterations, and lay them on a future occasion in a definite shape before the House.

Whereupon Motion made, and Question put, "That the Chairman do now report progress, and ask leave to sit again."

The Committee divided:—Ayes 122; Noes 241: Majority 119.

List of the AYES.

Adderley, C. B.
Arbuthnott, hon. H.
Archdall, C. M.
Arkwright, G.
Bagot, hon. W.
Bailey, J., jun.
Baldock, E. H.
Bankes, G.
Bateson, T.
Beckett, W.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Blandford, Marq. of
Boldero, H. G.
Bremridge, R.
Broadley, H.
Bromley, R.
Brooke, Lord
Brooke, Sir A. B.
Brown, H.
Bruce, C. L. C.
Buller, Sir J. Y.
Burghley, Lord
Burrell, Sir C. M.
Chichester, Lord J. L.
Christy, S.
Codrington, Sir W.
Coles, H. B.
Cotton, hon. W. H. S.
Currie, H.
Damer, hon. Col.
Disraeli, B.
Dod, J. W.
Duckworth, Sir J. T. B.
Duncuft, J.
Egerton, W. T.
Farrer, J.
Fellowes, E.
Filmer, Sir E.
Floyer, J.
Forester, hon. G. C. W.
Fox, S. W. L.
Frewen, C. H.
Fuller, A. E.
Galway, Visct.
Gooch, E. S.
Gordon, Adm.
Gore, W. O.
Gore, W. R. O.
Goring, C.
Granby, Marq. of
Greenall, G.
Grogan, E.
Gwyn, H.
Hamilton, G. A.
Hamilton, J. H.
Harris,, hon. Capt.
Heald, J.
Henley, J. W.
Hildyard, T. B. T.
Hill, Lord E.
Hodgson, W. N.
Hood, Sir A.
Hope, Sir J.
Hornby, J.
Hotham, Lord
Hughes, W. B.
Inglis, Sir R. H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kerrison, Sir E.
Knox, Col.
Lacy, H. C.
Law, hon. C. E.
Lennox, Lord H. G.
Lindsay, hon. Col.
Long, W.
Lopes, Sir R.
Lowther, hon. Col.
Lowther, H.
Lygon, hon. Gen.
Mackenzie, W. F.
Macnaghten, Sir E.
Manners, Lord C. S.
March, Earl of
Maxwell, hon. J. P.
Miles, P. W. S.
Moody, C. A.
Moore, G. H.
Mullings, J. R.
Mundy, W.
Napier, J.
Noel, hon. G. J.
Packe, C. W.
Pakington, Sir J.
Palmer, R.
Plowden, W. H. C.
Plumptre, J. P.
Portal, M.
Raphael, A.
Renton, J. C.
Repton, G. W. J.
Shirley, E. J.
Sibthorp, Col.
Smyth, J. G.
Somerset, Capt.
Somerton, Visct.
Stafford, A.
Stanley, hon. E. H.
Stuart, J.
Taylor, T. E.
Thornhill, G.
Tollemache, J.
Trevor, hon. G. R.
Turner, G. J.
Verner, Sir W.
Vyse, R. H. R. H.
Walpole, S. H.
Walsh, S. J. B.
Willoughby, Sir H.
Worcester, Marq. of

TELLERS.
Spooner, R.
Miles, W.

List of the NOES.

Acland, Sir T. D.
Adair, R. A. S.
Adare, Visct.
Alcock, T.
Anson, hon. Col.
Armstrong, Sir A.
Armstrong, R. B.
Bagshaw, J.
Baines, M. T.
Baring, H. B.

Baring, rt.hon. Sir F.T.
Barrington, Visct.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, hon. H. F.
Berkeley, C. L. G.
Birch, Sir T. B.
Blake, M. J.
Bouverie, hon. E. P.
Boyle, hon. Col.
Bramston, T. W.
Brand, T.
Bright, J.
Brotherton, J.
Brown, W.
Browne, R. D.
Bruce, Lord E.
Bulkeley, Sir R. B. W.
Bunbury, E. H.
Buxton, Sir E. N.
Callaghan, D.
Campbell, hon. W. F.
Cardwell, E.
Carter, J. B.
Caulfeild, J. M.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Charteris, hon. F.
Clay, J.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cobden, R.
Cockburn, A. J. E.
Cocks, T. S.
Coke, hon. E. K.
Colebrooke, Sir T. E.
Cowan, C.
Cowper, hon. W. F.
Craig, W. G.
Crawford, W. S.
Crowder, R. B.
Dalrymple, Capt.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, E.
Denison, W. J.
Denison, J. E.
D'Eyncourt, rt.hon.C.T.
Duff, G. S.
Duncan, G.
Dundas, Adm.
Ebrington, Visct.
Ellice, E.
Elliot, hon. J. E.
Estcourt, J. B. B.
Evans, J.
Evans, W.
Fagan, W.
Fergus, J.
Ferguson, Sir R. A.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fox, R. M.
Fox, W. J.
Freestun, Col.
Gibson, rt. hon. T. M.
Gladstone, rt. hon. W. E.
Glyn, G. C.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greene, J.
Greene, T.
Grey, rt. hon. Sir G.
Grey, R. W.
Guest, Sir J.
Haggitt, F. R.
Hallyburton, Lord J. F.
Hardcastle, J. A.
Hastie, A.
Hastie, A.
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heathcoat, J.
Heneage, E.
Henry, A.
Herbert, rt. hon. S.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hollond, R.
Hope, A.
Howard, hon. C. W. G.
Howard, hon. J. K.
Howard, P. H.
Howard, Sir R.
Hutt, W.
Jackson, W.
Jermyn, Earl
Jervis, Sir J.
Kershaw, J.
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lewis, G. C.
Lincoln, Earl of
Locke, J.
Lushington, C.
M'Cullagh, W. T.
M'Gregor, J.
Meagher, T.
Maitland, T.
Mangles, R. D.
Marshall, W.
Martin, C. W.
Martin, S.
Matheson, A.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Milnes, R. M.
Milton, Visct.
Mitchell, T. A.
Moffatt, G.
Monsell, W.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Muntz, G. F.
Mure, Col.
Norreys, Lord
Norreys, Sir D. J.
Nugent, Lord
Nugent, Sir P.
O'Connell, J.
O'Flaherty, A.
Ogle, S. C. H.
Ord, W.
Osborne, R.
Oswald, A.
Paget, Lord A.
Paget, Lord C.
Palmer, R.
Palmerston, Visct.
Parker, J.
Pechell, Capt.
Peel, rt. hon. Sir R.
Peel, F.
Pigott, F.
Pilkington, J.
Power, N.
Price, Sir R.
Pryse, P.
Rawdon, Col.
Reynolds, J.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Roebuck, J. A.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Rutherfurd, A.
Sadleir, J.
Salwey, Col.
Scholefield, W.
Seymour, Lord
Shafto, R. D.
Sheil, rt. hon. R. L.
Shelburne, Earl of
Smith, rt. hon. R. V.
Smith, J. A.
Smith, J. B.
Somers, J. P.
Somerville, rt.hon.Sir W.
Sotheron, T. H. S.
Stansfield, W. R. C.
Stanton, W. H.
Strickland, Sir G.
Stuart, Lord D.
Stuart, Lord J.
Stuart, H.
Sturt, H. G.
Sullivan, M.
Talbot, C. R. M.
Talbot, J. H.
Talfourd, Serj.
Tancred, H. W.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Towneley, J.
Townley, R. G.
Townshend, Capt.
Trelawny, J. S.
Vane, Lord H.
Verney, Sir H.
Vesey, hon. T.
Vivian, J. H.
Walmsley, Sir J.
Wawn, J. T.
West, F. R.
Westhead, J. P.
Willcox, B. M.
Willyams, H.
Williamson, Sir H.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.
Wood, W. P.
Wrightson, W. B.
Wyld, J.
Wyvill, M.

TELLERS.

Tufnell, H.
Hill, Lord M.

Whereupon Motion made, and Question put, "That the Chairman do leave the chair."

The Committee divided:—Ayes 111; Noes 225: Majority 114.

Committee report progress; to sit again on Thursday.

The House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Tuesday, May 15, 1849.

MINUTES.] PETITIONS PRESENTED. From Dumfries, in favour of Financial Reform.—From the East Riding of Yorkshire, that Article 11, Sect. 3, Cap 2, may be Expunged from the Criminal Law Consolidation Bill—From Darfield, for an Alteration in the Distribution of the Grants made in Aid of Public Education.—From several large Bodies of Wesleyan Methodists, for the Adoption of Measures for the Suppression of Seduction and Prostitution.—By the Duke of Richmond, from a great Number of Places, for the Repeal of the Malt and Hop Duties; also for a Continuance of the Navigation Laws, and for Protection from unrestricted foreign Competition

DISTURBANCES IN CANADA.

LORD STANLEY: Seeing the noble Earl the Secretary for the Colonies in his place, I must say, though I am unwilling to produce, and certainly shall not utter anything calculated to provoke, a premature discussion, that the news which has been received from Canada this morning is of so formidable and alarming a character that I feel it to be my duty not to lose a single moment in ascertaining whether Her Majesty's Government has received from that colony any further information than that which was conveyed to us through the ordinary channels, in a form which I trust is exaggerated, but which I have had confirmed by private intelligence. I ask Her Majesty's Government whether they are prepared to offer to the House and to the country any explanation of the state of affairs in that colony, where it would appear that the discontent which has been produced by recent measures of the Government has at last broken out into absolute disaffection and revolt—that the two Parliament houses at Montreal have been consumed by fire—that great violence has prevailed—and that at this moment there is waging the most formidable of all wars, a war of races. I wish to ask the noble Earl and Her Majesty's Government generally, whether he or they have any information or explanation to give of the present condition of that province. I will also repeat the question which I put at an early period of this Session, and will again ask, whether the noble Earl the Secretary for the Colonies has given to the Governor General of Canada any specific instructions as to the policy to be pursued with regard to the measure which produced this outbreak. And I also will remind the noble Earl that for the consequences of that measure, and for the present state of Canada, it is not the Governor General of Canada, the Earl of Elgin, but Her Majesty's Government—whether it gave the Governor General instructions or not—which must ultimately be held responsible. I will not, on the present occasion, give any opinion or enter into any discussion on the merits of the case. I will confine myself to asking two questions only. The first is, whether the Governor General of Canada has acted without advice or instructions from Her Majesty's Government at home, and has been allowed so to act? And the second is, whether Her Majesty's Government has any explanation to offer as to the present condition in which Canada, one of the most valuable possessions of the British Crown, appears to be?

EARL GREY: I wish that the noble Baron could have abstained, as he promised that he would abstain, from the premature expression of an opinion, and making a statement which it is difficult for me at the present moment either to answer or to pass over in silence. I received about an hour ago a despatch from the Earl of Elgin, which I shall have great pleasure in laying on the table of the House when the House next reassembles. That despatch will show that my noble Friend the Earl of Elgin has acted throughout with his accustomed judgment, moderation, and good sense. I have to inform your Lordships that the date of that despatch is the 30th of April; that it was written in great haste, after the regular mail had been made up, and forwarded through New Brunswick and Nova Scotia to New York, and that it arrived at New York only just in time for the packet. It appears by that despatch that a riot, undoubtedly of an aggravated character, has taken place at Montreal, and that the Parliament houses have been burned; but I see no reason for anything contained in it to apprehend that a war of races, as the noble Baron apprehends, is at present raging. On the contrary, I have every reason to believe that tranquillity is now restored. For what has taken place in Canada I am prepared to take any responsibility which legitimately belongs to myself and to my Colleagues. There is no step which we have taken in this matter which I am not prepared at the proper time to justify, and which I am not convinced that Parliament will approve. But I take the liberty of informing the noble Baron, that in my opinion the responsibility for these events rests as much with him as with many others; and for this reason—that there is no doubt, from the accounts which I have seen the newspapers and elsewhere, that the accounts of the proceedings in this House, and the expression of the opinions held by the noble Baron, have contributed in no slight degree to aggravate the violence of party feeling which, unfortunately, prevails in that colony. I trust that the noble Baron will recollect that in this House there is a responsibility resting on the Members of the Opposition as well as on the Members of the Administration. It is a fact which the noble Baron is too much in the habit of forgetting.

LORD STANLEY: I must remind the

noble Earl that he has not yet given an answer to either of my questions. As to the responsibility which, he says, attaches to Members of the House generally, and to the Members of the Opposition, I reply that there never was a Government in existence which was indebted so much to, or had profited more by, the sense which the present Opposition entertained of its responsibility. But I say that it is no part of the responsibility of a Peer of Parliament to abstain from expressing his conviction of the danger likely to arise from the course of policy pursed by the Government; and I tell the noble Earl that no intimidation, no insinuation, no taunt, no invective, shall at any time prevent me from exercising that liberty of speech which is one of the highest privileges of every Member of your Lordships' House. I therefore again repeat my questions. Has Lord Elgin, the Governor General of Canada, acted in this matter without advice, upon his own authority, or has the noble Earl opposite directed the step which Lord Elgin has recently taken? I also ask whether the noble Earl has any explanation to give as to the state of Canada beyond that which has appeared in the public papers? The noble Earl tells us that he will lay on the table the despatch which he has received from Lord Elgin on the first day the House reassembles—that is, on Friday next. I will take that as an answer to part of my question; but what I principally wish to know is, whether Lord Elgin is left to act on his own unassisted judgment, or has he any written instructions from the noble Earl?

EARL GREY: I will only repeat what I said just now, that I will lay Lord Elgin's despatch on the table on the first day of our reassembling. Until that despatch is on the table, it does not appear to me expedient to enter into any explanation; for until your Lordships have read it, I cannot state upon what points I may or may not have given intructions to Lord Elgin. As far as regards the Indemnity Bill, I may now say that I deliberately and advisedly abstained from giving my noble Friend any instructions at all. I believe that the rule in Canada—and, indeed, in all our colonies—is, that the Governors have certain general instructions given them to guide them in giving their assent to, or withholding their assent from, the Bills of the colonial legislatures. Whenever Bills are tendered to them for approval, they exercise their judgment upon them, and, having exercised that judgment, transmit them to the Secretary of State for the Colonies, with such reports thereon as they think proper, and then Her Majesty in Council is advised to give or withhold assent, as the case may require. It has not been my practice, neither will it be my practice so long as I retain the office which I now fill, to depart from that wholesome rule; nor will I give instructions to the Governors as to giving or withholding assent to Bills which are not before me, and of which the circumstances are unknown to me.

LORD REDESDALE observed, that this was a very important question. Here was a Government Bill, brought in and supported by the Government officers, and carried through the Legislative Council by the introduction of six new members into it—all of whom were introduced for the distinct purpose of carrying this Bill—which at last was only carried by a majority of four. He called on their Lordships to consider the position in which the Governor General of Canada was placed on this question. He had a Government measure to introduce; all his advisers, all the parties about him, were authors of that measure, and he had no power but to give his assent to the measure to which he had himself been a party, unless he derived it from the Government at home. The whole proceeding was one which—

The MARQUESS of LANSDOWNE rose to order. There was no desire on the part of Her Majesty's Government to avoid discussion, nor any reluctance to hear everything which the noble Lord had to say. His Lordship, however, was quite out of order. The noble Lord opposite had asked a question; as he had received for answer that on Friday next Lord Elgin's despatch explanatory of all the transactions should be laid on the table, the present was not the time for pursuing the course on which the noble Lord seemed entering by his remarks.

EARL GREY merely rose to set the noble Lord right on a matter of fact. Whatever addition had been recently made to the Legislative Council of Canada, had been made quite irrespective of this measure. So long ago as the month of September or October last the Governor General had written him a letter, in which he stated his conviction that it was expedient that an addition should be made to that Council; and as he (Earl Grey) was uncertain whether the parties whom he had nominated would accept the office, he had

sent confidentially to the Governor General warrants with those names inserted, to be ready in case they accepted it.

Lord BROUGHAM was not aware whether the same rule prevailed in the colonial legislatures as prevailed in this country—namely, that no grant for money could be introduced into the Legislature without the previous consent of the Crown?

Earl GREY: Such a measure must be introduced with the assent of the Crown by its responsible advisers. The assent of the Crown was implied whenever a measure was introduced by an officer of the Crown.

AGRICULTURAL DISTRESS.

The Duke of RICHMOND having presented a large number of petitions from all parts of the country, some calling for the restoration of protection, some for the continuance of the navigation laws, and others complaining of agricultural distress, he felt it only due to the respectable body of tenant farmers who formed the majority of these petitioners, to make known to their Lordships their desire that the navigation laws should not be repealed. He concurred with them in that desire, and protested against the doctrine which had been propounded on a former evening by his noble Friend the Secretary for the Colonies, that the farmers of Sussex had nothing to do with the navigation laws. The farmers of Sussex were loyal men, and knew well that in the late war the sea had been cleared of the enemy's cruisers by that navy which the navigation laws fostered and supported. They had a nearer interest, for many of their neighbours and friends were those gallant veterans who had fought in that maritime war, and had been engaged in those gallant cuttings-out which reflected so much honour on the British Navy. The farmers of Sussex were interested in the defence of the coast, and many of them had children serving in our men-of-war. They would not, therefore, be prevented from advocating the continuance of the navigation laws, although such advocacy might not be congenial to the wishes of Her Majesty's Ministers. He thought that the farmers were most unjustly treated. If they petitioned for protection or the restoration of the corn laws, they were told that they were a selfish race; but if they petitioned against the repeal of the navigation laws, they were told that they knew nothing about them. The farmers would not stand it much longer; they would not be so treated. His noble Friend knew that he had a monstrous case to defend, and had only had recourse to that argument because he wished to get a cheer from those around him, who in their hearts pitied him for the unfortunate position in which he was placed. He then placed on the table his bundle of petitions.

Earl GREY had never thought for one moment of denying the right of the farmers to petition on any subject they pleased. What he had said on a former evening was substantially this—that the places from which the petitions came, and the terms which were used in them, proved that it was not the repeal of the navigation laws which had excited the feelings of the petitioners, but that they looked on the rejection of the navigation laws as the first step in the reactionary movement against free trade.

RUSSIA AND AUSTRIA.

Lord BROUGHAM wished to call the attention of Her Majesty's Government to what he considered a very serious matter at present; and he was the more anxious to do so, because he found that it had already been noticed in the French National Assembly. He alluded to the extraordinary—no, he would not say extraordinary—but the very important step which had been recently taken by the Russian Government, namely, that of marching a large military force into the provinces of Austria. Russia, as Russia, had no interest in Austrian Poland, that is, in Gallicia, or in Hungary, or in Transylvania. Nevertheless, the information derived from all the accounts and private letters received from the scene of war, and also from Vienna, was to this effect, that the Russian armies were marching in three columns by different routes into Hungary and Gallicia. Possibly, they had not yet reached the centre of those countries, but they had very nearly done so, if their Lordships could trust the accounts in the public papers. He, therefore, asked his noble Friend the President of the Council whether any communication had been made to our Government by Russia, of the purpose and intention of the Russian movement into the Austrian dominions? He had no doubt that that movement was entirely with the consent of the Austrian Government; but that was no solution of any doubt which might arise as to the right of one country to interfere by force in the affairs of another, even with the consent of its Government. For

instance, suppose that Austria were to agree to make a cession of Hungary, Transylvania, and Gallicia to Russia—a measure which would disturb the present distribution of power in Europe—we should have a perfect right to complain and protest against it; and the consent of the Austrian Government would not deprive us at all of the right of complaint and protest. No one felt greater anxiety than he did to see Austria, the ancient ally of this country, and our best and most faithful friend on the continent of Europe, in entire and tranquil possession of all her rightful dominions. He made this inquiry of his noble Friend without the slightest suspicion that any Government was acting a wrongful part, whilst it was sustaining the existing distribution of power in Europe, was preventing violent changes from being made, and was putting down those reckless agitators who were now covering Europe with their follies and their crimes.

The MARQUESS of LANSDOWNE was understood to state, that as far as the matter of fact was concerned, Her Majesty's Government had no intelligence of the entrance of the Russian troops into the Austrian provinces. He was not certain that there was even accurate information as to their entering into any portion of the Austrian dominions.

LORD BROUGHAM: Yes; into Moravia and Gallicia.

The MARQUESS of LANSDOWNE observed that it was perfectly true that there had been very considerable movements in the Russian army on the Austrian frontier, indicating future action in the direction of Austria. How far the fact of a military force of one Power, co-operating with the military force of another in its own dominions and with its own consent, was a fit subject of apprehension to other Powers independent of both, was not a point on which he was then called upon to come to any decision. He must, however, state, that he did not consider any such co-operation of the forces of two Powers to preserve tranquillity in the dominions of one of them, to be analogous to the case mentioned by his noble and learned Friend, namely, the possible cession of a portion of its own territory by one country to another.

LORD BROUGHAM wished it to be distinctly understood, that he did not express any disapprobation of the Russian Government lending its aid to Austria in suppressing the disturbances in her dominions.

AGRICULTURAL DISTRESS.

The DUKE of RICHMOND said, that he had given notice of his intention to present petitions upon agricultural distress—petitions which were numerously and respectably signed—for the purpose of bringing that distress, which prevailed most severely in most parts of England, under the distinct notice of their Lordships. He did not wish to be considered as an alarmist; but he felt some anxiety when he saw large bodies of his countrymen suffering from severe pressure—when he recollected that at present there was a greater number of agricultural labourers out of employment than ever had been out of employ since the enactment of the new poor-law—and when he knew that there were hundreds and thousands of agriculturists who were looking to Parliament for relief under the heavy pressure which they were then enduring, and who would be compelled, if that relief were not given, to discharge the labourers now in their employ, because they would not be able, from the reduction of the prices of agricultural produce, to pay them at the week's end. The petitioners whose interests he was now advocating, lived in different parts of the country. The farmers did not combine: they were ever loyal to their Sovereign; they had used every exertion on all occasions to carry out the laws; and they thought, and he thought with them, that because a knot of free-trade cotton spinners of Manchester deemed it right to agitate the country, and to raise large sums for the purpose of agitation, they were not compelled to submit to their dictation. He did not mean to say that those free-trade cotton spinners had collected any large sums from their Lordships, but he did recollect that a noble Lord, who was then a Member of the other House of Parliament, and was now one of the Ministers of the Crown, had sent them the munificent donation of a 5*l.* note. These persons were egged on to the completion of their designs by the money they received. They called public meetings, but they never allowed any persons to enter within their halls of assembling without a ticket. They told the operatives whom they employed in their mills, "If you join in our cry you shall have your corn cheap, your wages shall not be reduced, and we will give you your Ten Hours Bill;" but, as soon as the

corn laws were repealed, by the cowardice of some and the treachery of others, they turned round on their operatives and opposed the Ten Hours Bill, which they had pledged themselves to support. That Bill was, however, he was happy to say, passed, by the assistance of the Protectionists. He understood that the millocrats of Manchester were now playing tricks and trying to get rid of its provisions; but he told them frankly, that that object they would never obtain, as that House would stand up manfully, as it had ever done, for the rights of the poor. Did any man now doubt the extent of agricultural distress? He was sure that Her Majesty's Ministers had doubted of it at the commencement of the Session, or else they would have mentioned it in the Queen's Speech. But was there such a stoppage of the approach of all truth to Downing-street, that Her Majesty's Ministers still doubted as to the existence of that distress? If they had still any doubt, he would refer them to the trade circulars issuing from the city of Manchester—for every now and then it happened that one learned a little from one's opponents. One of them was couched in these terms:—

"It may be unnecessary to remark that the disordered relations of political matters on the continent of Europe have engendered much distrust, and are again exercising a very prejudicial influence, not only upon the trade of this district, but upon that of many other manufacturing localities, as well as upon commerce generally; and that so long as they remain unadjusted their effect will become more injurious. Another important drawback arises from, and is consequent upon, the comparative absence of purchases of any magnitude for the country trade, which is generally admitted to be in a very depressed condition, owing principally to the very low prices obtainable for agricultural produce."

Why, he had always told them that they were the greatest fools in the world to cry out for free trade, as they would not export any more of their produce, and would render the landed interest unable to purchase their goods. This had turned out to be the case. The circular went on to state:—

"Valuable as low provisions unquestionably are to the great mass of the community, in purely agricultural districts the consumption of manufactures cannot be otherwise than at present materially interfered with. It is proverbial that the drapers who have been in the market during the month have purchased very sparingly. Their complaints are uniform. The retrograde movement in prices has likewise not been without its effect, operations have been limited to existing wants. Allowing for these drawbacks we look upon the aggregate transactions as being very extensive. Prices, as you will have observed, of nearly every staple article have again declined. Stocks of goods generally, if we except those of domestics and one or two other descriptions, are very light. Some descriptions of yarns, too, are heavy; but these are matters which will be best ascertained by a reference to the details."

This, be it observed, was the circular issued by Messrs. M'Nair, Greenhow, and Irving, of Manchester, on the 3rd of April last. He would now read the circular issued, about the same time, by Mr. Mandley, of the same place. It was entitled *Mandley's Manchester Trade Circular*, and was to this effect:—

"The comparative suspension of business for these branches of our European trade, it may be inferred, has operated injuriously on demand; at the same time, our home trade has received a check from the uncertainty as to the course of prices, and also from the cold and ungenial weather which has prevailed until within the past two or three days, and rendered operations in the spring fabrics somewhat doubtful. The low prices of food, although leaving a larger margin from income for expenditure in clothing than when they rule at higher rates than are now current, yet they are not at present such a source of unalloyed advantage, nationally considered, as when they are the result of abundant home harvests. In the present case, the consumer alone profits, and that only partially, at the expense of the cultivator, who is impoverished by unremunerative returns for his produce; whilst, in the case of good harvests, all interests are enriched by the bounties of Providence. Hence our home trade, at the present moment, does not present that aspect of prosperity which we have witnessed at former periods when food ranged at its present low prices."

Now, he did not care one straw for the opinions of the writers of these circulars; but the circulars themselves proved that the agricultural distress now existing was very severe, and that the manufacturers were feeling it in the diminished demand for the articles which they manufactured. The farmers said, that if the country would have free trade, to which they entertained the most decided objections, the local taxation of the country, of which they also complained, must undergo great reduction. But they had no hopes even from such an alteration; for they said that nothing would do them good until we re-enacted those moderate import duties which we had unwisely taken off. The distress was so great now, that many landlords had had their farms thrown upon their hands already, whilst many others had received notice that at the end of a given time their farms would be thrown upon them. The knowledge of that fact made him feel that if the Legislature did not give them protective duties, it ought not at any rate to

overtax, as it did, the occupying tenants, and the agricultural interest in general. The mass of tenant farmers were now suffering deeply; and he asked, was it either wise, just, or expedient to turn a deaf ear to their requests, when in humble terms they addressed Parliament to discover and apply a remedy to their distresses? Through him they told their Lordships, that if that remedy was not applied soon, the great body of tenant farmers would be swept from their occupations. He should deeply regret to find that the time had arrived when those intelligent men would be seeking to obtain the most they could for their stock, in order to emigrate with it to foreign countries. Many tenant farmers had already emigrated; and they were the sort of men which the country could least spare. It had been said, that if the present tenant farmers went, we could take the manufacturing population to our farms. But he held that it would be utterly shameful to banish men from their country who had hitherto been its pride and its ornament, and had done all that Christian men could do to improve and benefit their labourers. If their Lordships went to Manchester to seek for tenants, they might obtain them from the ranks of the operatives, who had allowed their savings to accumulate; but Her Majesty would not have so many loyal men engaged in the cultivation of the soil, or so many gallant men prepared to devote themselves, if the occasion arose, to the service of their country. Many of the petitions which he was then presenting prayed for the repeal of the malt tax—a prayer to which he did not expect that their Lordships would be ready to accede. He was of opinion that that tax was unjust in its principle and unfair in its operation. Whether the country had free trade or not, that was a tax which ought to be swept out of the Statute-book. Notwithstanding all the increase in our population of late years, the amount of revenue derived from the malt tax had not increased—a fact which decidedly proved that the tax was a bad tax. Why were the proprietors of land to be prevented from giving their labourers home-brewed ale? Why were they to be compelled to buy foreign oil-cake to fatten their beasts, when they could fatten them so much better upon home malted barley? The country, it was true, had got free trade, but what had been the result? The farmers had taken their leases under the old system of corn laws; and he recollected that, when that system was repealed, he had proposed that all the tenant farmers throughout the kingdom should have the power of throwing up their leases within a given time, on account of the depreciation which he expected would ensue in every branch of agricultural produce. And upon this point, as it was the fashion of that House to refer on all occasions to the judgment of the right rev. bench, he would ask the right rev. Prelates opposite, whether they remembered that the Tithe Commutation Act was a bargain to prevent the mischief which arose, both to the clergy and to the tenantry, from unseemly bickerings on that subject? He asked those right rev. Prelates whether, if the price of agricultural produce remained as low as it was at present, they expected that the tithe, which was valued on the supposition that the price of corn would be 56*s.* a quarter, would be paid, when that price was not more than 45*s.* a quarter? The right rev. Prelates might depend upon it that the farmers, if they were not justly treated, would petition, and combine to get rid of the tithes altogether. If they did, they would be joined by Bright and all who hated the Church, and all who wished to see all our institutions swept away, and the Church along with them. He thought that the averages for tithes should be taken every year, in order that the farmer might not pay a commutation for his tithe estimated at a higher price than that which he actually received for his produce. The Legislature had been wrong in the beginning, and the sooner it retraced its steps the better. He would not go into statistics on this subject, because he could not do so without referring to the blue books of the Board of Trade, and it was five years ago since he said that he did not believe a word in them. Another great injustice perpetrated on the farmers was, that they were compelled to pay the income tax, as though they realised a profit, whereas they made none whatever. If the same thing were done in Manchester, what a flame would arise! A rather curious fact had come to his knowledge. A miller had taken a contract to provide a certain workhouse with flour, and he did not go into the English market to buy corn, but bargained with a miller in France for a supply, so that positively the paupers in Brighton union were fed on French flour. When such things took place it was not surprising that the English farmer felt indignant, and

looked forward to the future with feelings of alarm. The farmers had been told by a great statesman that they must not rely upon their wheat crop, but must improve their farming and keep more stock; but the fact was, that most persons who had sold out stock this year, had sold it for less than they bought it for. Added to this, the free trade in foreign cattle had been the means of introducing the small-pox amongst our stock. Free trade in the small-pox they had; but they refused free trade to the farmer, who was compelled to bear the expense of repairing roads and bridges, and on whom fresh taxes were heaped day after day. He did not say that this had been the case lately; for it was too well known that any additional taxes would not be paid. They had done all this, and why? He would venture to say, that if their Lordships had voted by ballot there would have been a tremendous majority the other way. But, said the Government, they could not now retrace their steps. Then, said the farmers, why not get rid of the Government? He wished to Heaven they could. A measure was not, in fact, carried on its merits, or rejected on its demerits, now-a-days; but there was a certain number of gentlemen, and ladies too, who went about saying, "Oh, you must not vote against the Government, or they will resign." He wished they would resign. But it was said, if they resign, they knew not who might fill their places so that, however much they might dislike their measures, they could not vote for ousting them from office. Now that appeared to him to be the worst argument which could possibly be used. Those who resorted to it, admitted that great danger would ensue from the repeal of the navigation laws, and from a continuance of the mad theory of free trade, and yet they hesitated to incur the minor danger of a change of Ministry. He spoke entirely without the bias of any personal feeling on this subject, for every one knew that no power on earth would induce him to accept any office in any Administration; but he thought it would be very hard if sixteen or eighteen men could not be found in this country honest enough and able enough to undertake the task of forming a Government. He had spoken of the effects of free trade in England; but what had been its effect in Ireland? A pretty state they had brought that country to. Was it free trade to the Irish farmer to say, "Your land is very suitable, and you could grow tobacco, but you shall not; for I will pass an Act of Parliament to prevent it." And this was free trade! If so, Ireland was unable to comprehend it, and so was he. He warned their Lordships not to turn a deaf ear to the petitions which he had presented. These petitioners up to the present time had remained loyal; they had refused to coalesce in the slightest degree with the republicans who were, unfortunately, to be found in their counties. But let them beware lest they pressed them too far. Let them not believe, when a man found his capital hourly sinking, with no prospect of being able to maintain his wife or children but in the workhouse, that some would not be found who would give way; and though he trusted the great body of the yeomanry would remain true, still they had no right to make such experiments when such large bodies of men were concerned. It was not the tenant farmers alone whose interests were affected, but the agricultural labourers. Every one of the free-trade measures, in short, tended to give employment to the foreigner, and take it from the British labourer. It was owing to these measures that workhouses were filled, that so many were in receipt of outdoor relief, and that throughout every one of their villages there were to be found from ten to thirty ablebodied young men of 21 years of age who only asked for employment, that they might honestly earn their livelihood. These congregated together and mixed with worse associates, and were often led to commit breaches of the law. This, again, the farmer had to pay for in the increase of county rates. But he would take the question on higher grounds than any connected merely with money. He held that the industrious agricultural labourer should not be deprived of the means of earning his livelihood for the purpose of employing the foreign labourer. He had described the British agricultural labourer as honest and loyal, but he would not long continue so unless he was employed. He knew that in many villages at the present moment labourers were employed only two days in the week, at wages of 2*s*.—a very small sum to enable a man to live honestly. He wished the petitions which he had had the honour of presenting had been placed in the hands of one more capable of expressing the views of the petitioners; but he declared to their Lordships and the country that if something were not done—unless the circumstances he had stated were taken into the serious

consideration of Parliament, for the purpose of relieving agricultural distress—he looked forward with feelings of the deepest anxiety as to the results which might be produced upon the peace and tranquillity of the country.

The Earl of WINCHILSEA said, it was with great reluctance that he trespassed at any time on their Lordships' attention, and prevented them from listening to other noble Lords whose observations would be much more worthy of their consideration; but he could not, in justice to his own feelings, or to the honest tenantry and labourers of the county with which he was more particularly connected, who had ever shown towards him the kindest regard —he could not in justice to them or to his own feelings remain silent upon that occasion. His noble Friend who had brought that question under their consideration—a question so deeply affecting the peace and tranquillity of this country—had always been the consistent advocate of protection to the productive classes of this great country and in her numerous colonies; and his noble Friend thought as he (the Earl of Winchilsea) thought, that in dealing with those interests we had of late years pursued a most fatal course of policy. For his part, he believed that if we had encouraged the producers in our home markets and in our colonial markets, those two markets would have consumed all the articles that the manufacturers of this country could beneficially have produced. Indeed, he had always held that it was a matter of indifference whether or not we lost our foreign trade. He had always been aware that it would have been impossible for us to have preserved that trade for any considerable period, because it was manifest that foreign countries must soon have felt it to be their duty and their interest to encourage the growth of native manufactures, and by that means give employment to their own population. He had never ceased to advocate protection to the English agriculturists in particular, on the ground that they were more heavily taxed than the agriculturists of other countries. In considering that question, their Lordships should not forget, that while the manufacturer could stop his machinery and diminish his expenditure in various ways in periods of declining trade, the agriculturist had to incur, under all circumstances, fixed and unvarying burdens, and was dependent on the goodness of Providence for a return for the labour which he spent on the soil—whether he sowed wheat or barley, he must depend for a crop upon the seasons. But what, he would ask, was the present condition of the agriculturists of this country? Why, he found that, in that great county in which he resided, the average produce of wheat last year had but little exceeded two quarters per acre; and even that quantity had been of inferior quality, while the farmers could get no better prices than if their land had produced five quarters per acre. Now it was manifest that under such circumstances our agriculturists must be exposed to severe and unwonted disadvantages. And neither could he see any prospect of a return of prosperity to that class under a continuance of our present policy; for he believed that the great influx of foreign corn into this country would never allow prices here to rise above an average of their present amount. He could not help thinking that prices would even be depressed hereafter below their present level; because it was well known that the plains of America might be made to produce more corn than could be consumed by all Europe, after having supplied their own population. That was a question in which the peace and happiness of this country was deeply involved. Their Lordships might depend upon it that the people of England would not tolerate a system of continued injustice. He gave credit to noble Lords opposite for having supported a free-trade policy from a sense of duty; but he would remind those noble Lords that that policy had been adopted as an experiment; and as that experiment had been proved to be a failure, he should never cease to demand not only for the agricultural interest, but for every other interest in the country, a return of that protection to which they were fairly entitled. He said, that the people of England had been unjustly dealt with; and if they wanted an honest, although a feeble leader, in him they would find one. The free-trade policy had been introduced by a Minister who, although possessed of great ability, was deficient in moral courage, and who, in giving way to a worthless faction, and abandoning those principles of protection which he had advocated during a period of thirty years, had inflicted incalculable injury on the agricultural interest of this country. He (the Earl of Winchilsea) had warned their Lordships at the time of the passing of the Bill for repealing the corn laws, that that measure was the act of a revolutionary faction, anxious to ruin the

present landed proprietary of this country. Under the existing system, the cultivation of land had become deteriorated, and the land itself had necessarily declined in value. He would tell their Lordships, that under those circumstances many of the landed proprietors of England were placed in a position of great peril; for in the cases of estates encumbered with debts the mortgagees would foreclose the mortgages, and the present holders would be compelled to part with their properties. The faction which had obtained the repeal of the corn laws held a large portion of the mortgages in this country, and their object had been from the beginning to bring down the value of land; and, after it had been diminished to the lowest possible amount, to foreclose their mortgages, and to become themselves the owners of encumbered estates. He looked upon the whole system as a direct attack on the best interests of the country. It would be vain to attempt to defend the free-trade policy by stating that it would make bread cheaper; for what, he would ask, would be the use of diminishing the price of bread, if the people could not earn the means of purchasing it? He would tell their Lordships that a fearful and an increasing state of distress prevailed in Sussex, Essex, Hertfordshire, and other agricultural counties. That distress was, in some respects, far more serious than that which had prevailed in the year 1822; because, in that latter year, although there had been low prices, there had been an abundant harvest, while at present prices were unusually depressed after a very deficient harvest. Under these circumstances he would earnestly implore their Lordships, if they found they had been wrong in the course they had recently pursued—and all men were liable to adopt an erroneous policy—he would earnestly implore them to retrace their steps, and to restore to every interest in this great country a fair and a moderate protection—the only protection which they demanded. If they were convinced that our agriculturists could not compete with the agriculturists of foreign countries under a free-trade system, he called on them to abandon that system. They had an increasing population, and, thank Heaven, they had also a loyal population; but if that population were to become the victims of continued injustice, he could not help feeling that an awful responsibility would rest on those who had inflicted on the country a state of things to which no good citizen could look forward without alarm. He denied that the system of free trade they had recently adopted was in any sense a fair one. He found that under that system the English agriculturist could not convert his barley into malt, while the foreigner might so use his barley if he should think proper. Now, it was well known that no article was so valuable as malt for feeding cattle, and the result of our present legislation was, that foreign cattle so fed were unfairly brought into competition with those of the English agriculturist. In conclusion, he implored of them, if they valued the peace and prosperity of the country, to abandon a course of policy fatal to her best interests.

The Duke of RICHMOND begged to be allowed to add that he wished to ask Her Majesty's Ministers whether they admitted the existence of agricultural distress; and, if so, whether they were prepared with any remedial measures?

Earl GREY said, he did not think that this was a fitting occasion for a discussion on the principles of free trade, upon which they were not now called upon to express any opinion; but he could not allow the two speeches which had just been made to pass by without an answer. And, in the first place, in answer to the noble Duke, he could assure him that both his noble Friend near him (the Marquess of Lansdowne) and himself were aware of the existence of agricultural distress in this country, and that they deeply deplored it. At the same time, Her Majesty's Government were not ready to offer any measures to the consideration of Parliament for the relief of that distress. This was not the first time that their Lordships had heard complaints of agricultural distress; and when the noble Duke and the noble Earl told them that the mere fact of the existence of agricultural distress ought to be taken as a conclusive proof of the failure of the system of free trade, he could not but remind their Lordships how frequently similar complaints had been made under the system which formerly prevailed. He had the curiosity to ascertain, from the Journals of Parliament, how often this subject of agricultural distress had been brought under the consideration of Parliament since the passing of the corn laws in 1815. In 1816—the very year afterwards—petitions were presented to Parliament complaining of agricultural distress; and the same thing took place in subsequent years. In 1817, 1819, 1820, 1821, and so on for every successive year

till 1825, similar petitions were presented. Then came an interval of six years; but in 1830, 1831, and from 1833 till 1836 inclusive, the case was the same. Nor was that all. In fourteen years out of the thirty-one, during which a protective system prevailed, strong complaints of agricultural distress were raised; and he found that the distress was so intense in some of those years, that it was mentioned in Speeches from the Throne on three different occasions; and that in six years out of the period Committees of one or other House of Parliament sat to investigate the causes of that distress. When they were told that that distress had arisen entirely from free trade, let him remind their Lordships what had been the report of the Committee of the House of Commons in the year 1833, as to the state of distress which had then prevailed under that very system of protection to which they were called upon to return. He should observe, that the report in question had been drawn up by a right hon. Gentleman, who, although he was at present a convert to the doctrines of free trade, had been at that time a distinguished supporter of the principles of protection, and that that report had always been referred to as an exposition of the doctrines of the protectionist party. He found in it the following passage:—

"The Committee of 1821 expressed a hope that the great body of the occupiers of the soil, either from the savings of more prosperous times, or from the credit which punctuality commands in this country, possessed resources which would enable them to surmount the difficulties under which they laboured. But your Committee, with deep regret, are bound rather to express a fear that the difficulties alone remain unchanged, and that the savings are either gone or greatly diminished, credit having failed, resources having been generally exhausted; and this opinion is not formed on the evidence of rentpayers, but of many most respectable witnesses, as well owners of land as surveyors of land."

Such was the account which had been given, in the year 1833, of the consequences of eighteen years of a protective system. Now, he could not think that that account afforded an encouragement to return to that system. He should further remark, that, great as the distress at present undoubtedly was, it was not very difficult to account for it. They all knew that in the south of England the last harvest had been a deficient one, and that it had been very badly secured. And that this was the main cause of the existing distress was admitted both by the noble Earl and the noble Duke. The noble Earl said, that the average produce in his county was only two quarters of barley to the acre, and that, too, of an inferior quality. He would ask the noble Earl, who, at the eloquent close of his speech, had pointed out the dangers of popular discontent, whether it would tend to allay that discontent, if the population of this country had been confined to the scanty produce of the last harvest? The arguments which used to be employed to show the beauty of the sliding-scale never failed to point out that, whenever there was a bad harvest in this country, there was not the slightest obstacle to foreign corn coming in. When, therefore, the noble Duke said that the maltsters would not buy English barley this year, it being notorious that in good years English barley was always bought in preference to foreign, it appeared to him to be not a subject for regret, but for congratulation, that under such circumstances as befel us last year, and with the staple food of the population of Ireland destroyed, we had, by the blessing of Providence, and by that change in the law which was most timely accomplished three years ago, been enabled to obtain so large a supply of food from abroad. Greatly as he was in favour of the measure of 1846, and strongly convinced of its absolute necessity—not for the interests only, but for the safety of the country—the experience of the last three years had satisfied him that we owed a debt of great gratitude to that statesman who introduced and carried the measure, for having averted from this country a calamity by which it would otherwise have been visited. He believed that it was owing to the fact that the corn law was repealed in 1846 that timely provision was made in foreign countries to supply our wants; and he believed, also, that, under Providence, we were indebted to that circumstance for having passed through the current year without a greater amount of suffering than had been endured. He had risen, not to argue the question, but merely to state his own opinion; still there were one or two points which had been touched upon which invited some observations. The noble Duke adverted to the tithe rent-charge as being a great burden on the tenant farmer. But since the change in the law, he believed that most proprietors let their farms tithe-free; otherwise they exposed themselves to the risk of being liable to the payment of the rent-charge, if the tenant did not pay it during

his occupation. That was the course which he pursued himself, and such, he believed, was the general practice. In the same way their Lordships were told that the farmers should have the benefit of free trade, as well as every other class, and that the malt tax should be repealed. Since, however, the corn law had been repealed, he did not know any person less interested in the repeal of the malt tax than the farmer. He could conceive no possible object which the farmer could gain by the repeal; for when they were told that malt was the most fattening food that could be given to cattle, he must say that the experiments tried on malt by scientific men against other kinds of food, first theoretically, and then practically, showed that malt was not the species of food which, if the duty on malt were taken off, would be given to bring cattle into condition. Looking, also, at the whole circle of taxation, no article that was taxed occasioned so little inconvenience as malt. But then it was said that it was unjust that the farmer should not be allowed to grow tobacco. Now, if foreign tobacco were allowed to enter this country free of duty, our climate was so inferior in point of warmth—and tobacco not only required a hot climate, but was also a very exhaustive plant—that there was not the remotest possibility of this country entering into competition with foreign countries in the production of that article. Cuba and some of the States of America must always, if their produce were admitted on equal terms, entirely prevent the cultivation of tobacco in this country. Then it came to this, that the present law was merely a law for revenue, and not to prevent the farmer from obtaining the best return from his land. If there were any possibility of his growing tobacco on equal terms with foreign countries, he conceived that there would be no sort of objection to allow tobacco to be cultivated here, in the same way as beet-root sugar, which might be manufactured in this country upon payment of the same duty as was paid upon the sugar from our colonies. The noble Duke also said that farmers ought to be allowed to give up their farms in consequence of the Act of 1846. Now, his (Earl Grey's) belief was, that whenever tenants really desired it, they had no difficulty at the present time in getting their farms taken off their hands. He was not aware, as far as his experience went, that when a farmer desired to give up his land, it answered the purpose of his landlord to desire him to retain it. He had heard of persons who complained of the effect of the corn laws, and asked to have their farms taken off their hands; but when they found that no difficulty was made in acceding to their request, they expressed a wish to reconsider their decision. A friend of his, a noble Duke not then present, who had large estates in Bedfordshire, finding one of his tenants complain very much of the effect of the corn laws on his interests, said that he had no wish to hold him to a losing bargain, and that he might give up the farm. Now, his noble Friend was a very good landlord; and when the question was put to the tenant in that practical shape, he asked for time to consider; and after consideration he did not persevere in his application for leave to surrender the farm. He confessed he deeply regretted to find, from the speeches which he had heard, and which were no doubt made in all sincerity, that there existed what he believed to be a most unfounded panic in some parts of the country. His own interests being entirely connected with the land, he did not hesitate to say that he had no doubt that it would hereafter see better days. In some parts of the country, at least, this panic did not prevail. He saw a noble Earl opposite who was connected with Scotland; and he had observed it stated very lately in the Scotch newspapers that a number of farms had fallen out of lease, and that in every one of these cases these farms had let either on the old or on advanced terms.

The Earl of MANSFIELD: That is not the case with my farms.

The Duke of RICHMOND: Nor with mine.

Earl GREY had seen these statements made with great particularity, and therefore thought there must be some foundation for them; for instance, there was an account of a farm in Ayrshire which was let at *5l.* the Scotch acre, instead of the old rent of four guineas. The noble Earl (the Earl of Winchilsea) had spoken of the country going out of cultivation; but as far as his experience went, nothing seemed to have checked or damped the spirit of agricultural improvement; on the contrary, it was going on more rapidly than at any former period. Some months ago he had occasion to come up by railroad to London from Northumberland, and he remarked that he had never before seen lying on both sides of the line so large a number of

draining tiles, which he considered to be a pretty good proof that the spirit of improvement was not asleep. He had gone perhaps farther than he intended, and he would only end by assuring the noble Duke that he was quite aware of the existence of great distress in the country, and sincerely deplored it; but that, at the same time, it was his firm conviction that any measures for attempting to remove causes that were beyond our control would do more harm than good.

The EARL of MALMESBURY said, it gave him pleasure to hear the noble Earl who had just spoken acknowledge the distress which had for some time existed in the agricultural districts of this empire, and express his sympathy for its pressure; but the satisfaction which he felt at that acknowledgment was lessened by the announcement which the noble Earl had made — that Government were not prepared to take any steps for the relief of that distress. It was, certainly, in the power of the Government to consider whether that distress might not be alleviated. The noble Earl had misrepresented the meaning of his noble Friends, when he stated that noble Lords on that (the Opposition) side of the House attributed the whole of the present agricultural distress to the free-trade measures of the Government: no doubt they thought that the carrying out those principles into practice had been one of the main causes of that distress, but they did not mean to assert that it was entirely owing to those measures. There had been a very deficient harvest in the south of England, and some of the distress now existing in that part of England might be attributed to that deficiency; but what the agricultural interest complained of was, that the present distress was immensely increased and aggravated by the free-trade measures; and what was worse, those measures had taken from the agricultural classes all hope for any improvement. When, on previous occasions, the agricultural interest was in a state of distress, that distress arose from other causes than those which led to the present state of things. When those causes were removed, the farmers, who were not easily cowed or disheartened, might, at least, entertain the hope that a better day was coming. But if the free-trade measures should answer in the sense in which they were intended to answer by those who originated them, the present distress must become immeasurably aggravated, instead of being diminished. The noble Earl (Earl Grey) had made some quotations from Parliamentary returns, for the purpose of showing that this was not the first time that complaints about agricultural distress had been brought under the notice of the Legislature. But as he (the Earl of Malmesbury) had already said, the causes of that distress in the years named by the noble Earl, were entirely different from the causes which had led to the distress which now existed. If he understood correctly the meaning of free trade, it contemplated neither more nor less than to drive down the price of corn to the lowest possible figure; and if that was the object of free trade, the agricultural class could only look to its continuance as an aggravation of their present difficulties. The noble Earl (Earl Grey) had alluded to the year 1816, as one in which complaints had been made of agricultural distress. That was a year in which there had been a very bad harvest. In 1819, there was Peel's Currency Bill; and in 1822, the results of that measure were felt throughout the country in the breaking of so many banks. In 1836, the agricultural distress arose from the abundance of the harvest, which brought down the price of corn. So that the causes of the agricultural distress in the years to which the noble Earl had alluded were very different from the causes which had led to the present distress; and it was not fair to say that the causes were analogous. In addition to the former burdens on land were now added those arising from the operation of the new poor-law. The noble Earl had said that this distress was confined to a bad harvest in some of the southern counties of England; but their Lordships' table had groaned under the weight of petitions from every part of England, as he need not tell their Lordships there was not a place in the country which had not suffered from the free-trade measures. The noble Earl had declared that Her Majesty's Government did not intend to bring forward any measure to remedy the present agricultural distress: did that amount to a declaration of this nature, that the agricultural interest was not in a position to deserve the attention of Her Majesty's Government? Did the noble Earl mean to say, that the agricultural classes did not carry burdens from which they might be relieved? He (the Earl of Malmesbury) believed that the agricultural distress which at present prevailed throughout this country, was not

owing entirely to free trade, but likewise to a bad harvest; but it had also been caused by a constant, gradual, but certain increase of the local taxation of this country. On that point, at least, he thought that the agricultural interest deserved the attention of Her Majesty's Government; and on this head he thought the agricultural interest might be relieved without acting unfairly towards any human being in this country. He could not help reminding their Lordships that the local taxation of the country had been considerably increased of late years by the imposition of the property and income tax; and there was this injustice attending the levying of that impost, as far as the agricultural interest was concerned — the landlord was assessed at the amount which his property was worth before the existence of the present distress; so that the farmer had to pay for profits which he did not make out of his capital, and the landlord had to pay for income which he did not derive. Did not such a state of things aggravate the existing distress? This point of the income tax was the sorest of which the agricultural interest had to complain, and it was one which the Government were bound to consider. He would now briefly call their Lordships' attention to the effects of the income tax and free trade upon the position of the British farmer. By free trade he understood a bargain entered into between two persons on terms of perfect equality, and without any restriction being put upon one of the parties to which the other was not liable. But was that the state of things as regarded the English and the American farmers? He would not make use of the old argument about the English farmer being more heavily taxed than the farmer of any other country; he would suppose that the excess of taxation paid by the English farmer as compared with the American was merely equal to the expense to which the American was put in bringing his wheat to the English markets, though he believed that it more than counterbalanced the whole of that expense. Let their Lordships suppose that the American and English farmer stood side by side at a stall in Liverpool. He would take the case of an English farmer, who paid a rent of 400*l.*: he went to a stall at Liverpool and sold 200 quarters at 40*s.*, thus realising his rent of 400*l.* On that amount the landlord's income tax would be 12*l.*, and that of the tenant half that amount, or 6*l.*— making together 18*l.* The American farmer sold his 200 quarters at 40*s.*, and obtained 400*l.*; on his 200 quarters he paid a duty of 1*s.* per quarter, amounting to 10*l.*, whilst the Englishman paid 18*l.* on the same quantity of corn, being 8*l.* more than the amount of duty paid by the American. Again, he would suppose that from some cause or other the price of corn had arisen to 60*s.*, and that the landlord's rent was 500*l.*, and the American and Englishman came to the same stall with 200 quarters; the Englishman sold his corn at 60*s.* a quarter, and obtained 600*l.*; the landlord's income tax would amount to 15*l.*, and that of the occupying tenant to 7*l.* 10*s.*, making in all 22*l.* 10*s.* The American, however, sold his 200 quarters at 60*s.*, and obtained 600*l.*; the amount of duty at 1*s.* a quarter was 10*l.*, so that the amount which the American would have to pay into the Exchequer would be 12*l.* 10*s.* less than the amount payable by the Englishman. These were points of great hardship; and he (the Earl of Malmesbury) thought it was the duty of Her Majesty's Government to take them into their serious consideration. He had heard a great deal from noble Lords, the advocates of free trade, on the inexpediency of differential duties; but there was a system of differential duties pressing upon the English in favour of the American grower. Now, he thought if that state of things were properly considered, it would be found to be very harsh. And if he were asked how that could be remedied, he would answer it was a matter easily to be met. A fixed duty of 5*s.*, would put the English farmer on a par with the American trader. The working clergy of the country were among the greatest sufferers from free trade. A fall of 20 per cent in incomes which seldom exceeded on an average 250*l.*, was a great hardship to men who had no other resource. He was glad to learn from the noble Earl opposite that he had been able to let his farms, because he had been told on good authority that there was some difficulty in letting farms in the noble Earl's neighbourhood, and that even his finely-cultivated lands had not found tenants so readily as in former years. But whatever might be the case in the north, nothing could exceed the panic among the farmers in the south of England, where it was a difficult matter to let a farm on fair terms to a respectable tenant. The noble Earl was never more mistaken than in supposing that farms could generally be let with facility throughout England.

The DUKE of RICHMOND, in reply, stated, that the reason why a respectable farmer, referred to by the noble Earl (Earl Grey) opposite, refused to give up his lease when the matter was left to his own option was, first, because he had expended 1,800*l.* in the improvement of his farm; and, in the next place, because he was advanced in years, and would be very sorry to leave a place in which he had spent the best part of his life. That gentleman was a real good specimen of an honest upright English farmer; for although he was the tenant of a Liberal landlord and a free-trader, he was not afraid of attending public meetings everywhere, and freely and candidly expressing his opinions. But why did this man refuse to surrender his lease, it might be asked, if by holding it he would be a loser? Because he had a well-grounded and reasonable belief that the people of England would soon oppose themselves to free-trade laws which had already proved so injurious. He believed that a great reaction would soon take place. It was rather ungenerous to taunt the Protectionist party with not moving for a repeal of free-trade laws. Experience taught them that such a movement would be altogether unnecessary. They knew that the House of Commons and the House of Lords were the last places in which a reaction was likely to manifest itself; for it required some considerable time for any public man to get up in his place and acknowledge that he had been entirely wrong upon any great question. He (the Duke of Richmond) believed, however, that the people of England had such sterling good sense that they would not suffer a great wrong to remain long unredressed. He did not say that they would demand a return to the sliding-scale; but he did say that the time would come when, whether Parliament liked it or not, they must return to a protective system—when the people of this country would call upon Parliament to put on a duty on imported foreign corn for the purpose of revenue. Those who were opposed to free trade were now backed up in their views by the opinions of the most experienced men—by shipowners, merchants, bankers, and the hardy men of Birmingham—and, more than all, by the great body of the operatives in the manufacturing districts, who, to their cost, had found that free trade meant "half a day's work, and quarter of a day's pay." Heaven only knew whether the time might not soon come when their Lordships' House might be destroyed. If that were the case he should go to the hustings of a county as a candidate, and if he did not get the support of many of those who were now free-traders he should be very much disappointed.

Petitions ordered to lie on the table.

House adjourned to Friday next.

HOUSE OF COMMONS,

Tuesday, May 15, 1849.

MINUTES.] PUBLIC BILLS.—*Reported.*—Grand Jury Cess (Ireland).

3° Grants of Land (New South Wales).

PETITIONS PRESENTED. By Mr. Kershaw, from Stockport, for an Extension of the Suffrage.—By Mr. Sharman Crawford, from London and its Vicinity, for the Adoption of Universal Suffrage.—By Mr. G. Thompson, from Reading, for the Affirmation Bill; and from Riddings, Derbyshire, for the Clergy Relief Bill.—By Sir John Duckworth, from Exeter, against the Ecclesiastical Commission Bill.—By Mr. Gladstone, from Brechin, against, and by Mr. Stuart Wortley, from Garveston, Norfolk, in favour of, the Marriages Bill.—By Mr. Monsell, from the Guardians of the Limerick Union, for facilitating Emigration.—By Mr. Frewen, from Cuckfield, Sussex, for Repeal of the Duty on Malt and Hops.—By Mr. Collins, from Leamington and Warwick, for Repeal of the Duties on Paper, &c.—By Sir Robert Price, from Hereford, for Reduction of the Public Expenditure.—By Sir Henry Halford, from a great Number of Places in the County of Leicester, for Agricultural Relief.—By Mr. Alexander Matheson, from Nairn, against the Lunatics (Scotland) Bill.—By Mr. Smyth, from the Keighley Union, for a Superannuation Fund for Poor Law Officers.—By Mr. Alderman Humphery, from Southwark, for the Suppression of Promiscuous Intercourse.—By Mr. Alexander Hastie, from Taunton, for the Abolition of the Punishment of Death.—By Colonel Ferguson, from Kinglassie, against the Registering Births, &c. (Scotland) Bill, and Marriage (Scotland) Bill.—By Mr. Heyworth, from St. Ives, Huntingdonshire, for an Alteration of the Sale of Beer Act.—By Mr. Pryse Pryse, from Cardigan, and by other hon. Members, for referring International Disputes to Arbitration.

EXPENSES OF THE NEW HOUSES OF PARLIAMENT.

SIR H. WILLOUGHBY wished to ask Mr. Greene what was the gross amount of the estimates sent in by Mr. Barry, the architect, for the completion of the Houses of Parliament, and all works relating thereto; and whether the commission (of which Mr. Greene is a member) has any legal authority to sanction or to alter the amount of such estimates?

MR. GREENE was sure the hon. Member would acquit him of any want of courtesy to him, or any wish to withhold information, if he declined answering the question in the form in which it was now put; because, in the course of a few days, there would be laid on the table of the House a statement, not only of all the expenses that had been incurred, but of all the probable expenses that might be incurred in

the completion of the Houses of Parliament. The form in which the paper would come before the House would be this: it would state in the first instance the amount of the estimate; it would state how much of the estimate had been expended, and how much remained to be expended. In the next place, it would state what additional expenses had been incurred in consequence of its having been found necessary to lay the foundations of the Houses deeper than was contemplated in the contract—in point of fact, they were nearly double the depth. It would next state what were the additional buildings, and the authorities by which the additional buildings were made which had added materially to the increased expense. There would be laid before the House a variety of other details of which it was absolutely necessary that the House should be informed. If he were to state the gross amount, it would give rise to a variety of misrepresentation. As to the question whether the commission had any legal authority to sanction or to alter the amount of the estimates, he could state that they were not able to enter upon them without the approval of the Treasury.

Mr. MOWATT begged to ask the hon. Gentleman whether any satisfactory arrangement had yet been made with Dr. Reid with respect to the ventilation of the new Houses? Most hon. Members would agree with him that the question was one of much importance: even the experience of last night must have convinced some that hon. Gentlemen attending their duty there were exposed to considerable inconvenience, if not danger.

Mr. GREENE said, that the subject of ventilation was settled before he became a commissioner. It was arranged that Dr. Reid should have the ventilation of the House of Commons and the adjoining lobbies; he was not to have charge of the ventilation of the Committee rooms.

Subject dropped.

DISTURBANCES IN CANADA.

Mr. HERRIES wished to ask the noble Lord at the head of the Government whether he had received any authentic information respecting the very grave events reported by the public papers to have occurred in Canada—whether he was prepared to lay that information on the table—and also whether the Government were now in possession of extracts from the votes and proceedings of the Legislative Assembly in Canada relating to the Bill of Indemnity for losses sustained by the rebellion? On a former occasion the noble Lord, when asked this latter question, informed the House that Ministers were not in possession of those votes and proceedings; and the answer was made in a manner conveying an intimation that it was not usual for them to receive such extracts. Her Majesty's Ministers, however, by Her Majesty's command, had, he believed, in more instances than one, laid such extracts upon the table; but, certainly, in one recent instance, upon the subject of the navigation laws.

Mr. ROEBUCK begged to add another question to these. The Bill of Indemnity was necessarily a Money Bill, and, therefore, the Earl of Elgin must, he supposed, have had instructions from the Home Government before any step was taken by the Parliament of Canada with respect to it. A message must have gone down from the Governor General to the Parliament, giving them authority to enter upon the consideration of the matter. Now, was the noble Lord cognisant of any instructions given to the Earl of Elgin to give that previous sanction to the Motion being made in the Parliament, thus showing that the Government at home and the Superior Government in Canada sanctioned this indemnity being given to the parties, before the Parliament of Canada could proceed upon the Bill?

Lord J. RUSSELL: With respect to the very serious events that have occurred at Montreal, I have to state in answer to the first question of the right hon. Gentleman, that a despatch has been received from the Governor General of Canada, directed to the Secretary of State for the Colonial Department; that despatch, however, was only received at four o'clock this day. I have not myself seen the despatch, but it is a public document containing an account of the disturbances at Montreal, and there will be no objection to laying it immediately upon the table of this House. With respect to the next question of the right hon. Gentleman, and with regard, likewise, to the question of the hon. Member who has spoken after him, I will only say that the Earl of Elgin has stated that it his intention to write by the next mail a despatch stating all the occurrences that have relation to the Bill for an indemnity for losses; and that despatch, of course, may be expected by the next mail. I do not think—I would not be

positive upon that point, but I do not think —he has sent home the extract from the votes and proceedings of the House of Assembly; but I conclude those votes will be received when the despatch is sent, and in that case there will be no objection to laying the despatch and those proceedings before this House. In these circumstances, having that assurance from the Earl of Elgin, that he is about to state all that has occurred, and the reasons which in his opinion have justified him in assuming the responsibility which he has assumed in the exercise of his functions, I must decline entering further into the particulars of this matter, or answering the question put to me by the hon. and learned Member for Sheffield. I think it is far better that we should wait until the Earl of Elgin has had an opportunity of stating the case, and that I should have an opportunity of laying before the House the whole account of what has occurred in Canada with respect to these very serious matters.

MR. ROEBUCK had not asked the question from an idea that there had been any deviation either from the ordinary practice or from the orders that had been sent out. He merely wanted to ask the noble Lord whether he was cognisant of any such necessarily preceding recommendation as he had referred to, namely, that the Canadian Parliament could not, without a preceding suggestion or permission on the part of the Government, have taken any steps regarding this Bill; and that the Earl of Elgin must have previously received his instructions from the Colonial Office in a specific and distinct form. The noble Lord did not know, and therefore he (Mr. Roebuck) could not expect from him an answer; but such must have been the case, and all he had asked was whether the noble Lord was cognisant of the circumstance.

LORD J. RUSSELL could only repeat that he thought it would be much better to have the whole case, with the papers, before them before they entered into these questions.

MR. DISRAELI said, the hon. and learned Member for Sheffield had made an inquiry which he thought he would scarcely have done had he been in that House on the 22nd of March last. On that day the hon. Gentleman the Under Secretary for the Colonies, in reply to two questions put to him by the right hon. Gentleman the Member for the University of Oxford spoke as follows :—

"In answer to the first question of the right hon. Gentleman he had to state that no instructions whatsoever were given to the noble Lord at the head of the Canadian Government with reference to the introduction of this Bill, or in contemplation of any such measures. His noble Friend (Earl Grey) had entire confidence in the noble Lord the Governor General's judgment and discretion, and was not in the habit of giving him instructions of that kind. With regard to the second question of the right hon. Gentleman, who had himself filled the office of Secretary of State for the Colonies, he had to state that all colonial laws — he believed universally — having passed through their formal stages, and received the assent of the Crown through Her Majesty's representative in the colony, came into immediate operation, unless they contained a suspending clause. This would apply, of course, to all Acts, whether they were for the appropriation of money or not." *

That was a distinct answer to the inquiry now made by the hon. Member for Sheffield; and, at a moment of great public interest like the present, it would be satisfactory to them to understand that they had authentic information to so late a date as the 22nd of March.

MR. ROEBUCK had not put this question to the Under Secretary for the Colonies, because he was not in his place, and he concluded that hon. Gentleman had not received a letter which he had sent him in the course of the day. As the hon. Gentleman had now taken his seat, however —[*Mr. Hawes had entered just before*]— he would take the liberty of repeating the question. They had all been made acquainted with the painful circumstances that had occurred at Montreal. These circumstances originated in the consent given by the Governor General to a Bill passed through the Legislature of Canada for giving remuneration to certain parties who had suffered loss during the last rebellion. This he understood from the nature of the case, was a Money Bill, and must have come immediately and directly from the Canadian Ministry; it must have been preceded by an instruction and recommendation from the Governor General to give their assent to the measure. He would not enter further into the circumstances; he did not impute blame to any one, for he would rather defend than impute blame; but he wanted to know from the hon. Gentleman whether there had been sent from the Colonial Office—as was ordinarily the case —a power to the Governor General to recommend to the Ministry there acting in Her Majesty's name to go down to the Canadian Assembly, and state that She sanctioned

* Hansard (Third Series), Vol. ciii., p. 1125.

the appropriation of money to the express purposes of the Bill which had excited these disturbances? At the proper time he should be able to explain. [*Cries of* "Order!"] He would bow to the rule of the House; but he only wished to say, that if the hon. Gentleman answered the question, they would be satisfied as to the parties on whose back the responsibility should fall.

LORD J. RUSSELL: I shall certainly decline entering further into this matter. As to the question put by the hon. Gentlemen the Member for Buckinghamshire, the answer given upon a former occasion by my hon. Friend the Under Secretary for the Colonies is perfectly correct in point of fact.

MR. HAWES: I beg to say that I received the note of my hon. and learned Friend the Member for Sheffield, and I have to thank him for giving me notice of the question. I sent it to my noble Friend at the head of the Colonial Office, in order that my noble Friend at the head of the Government might be enabled to answer the question.

SIR J. PAKINGTON asked whether in the despatch which the noble Lord had mentioned, there was any reference to a petition from a large and respectable assemblage at Montreal, praying that the Earl of Elgin should be recalled, and that the Queen should withhold Her assent from the Indemnity Bill? Also whether any petitions to the same effect had been received from other parts of Canada?

LORD J. RUSSELL had seen his noble Friend the Colonial Secretary that morning, but no such petition had then been received, and whether any had arrived since four o'clock he was not aware. He had, however, seen in the newspapers some account of such a meeting being held as had been referred to by the hon. Gentleman.

MR. BRIGHT asked whether the Government had received such information as might lead them to hope that the disturbances had been put down?

LORD J. RUSSELL had to say, in reply, that the Governor General stated that on the 30th Montreal was tranquil. There had been some disturbances in the provinces, but he believed the provinces might also now be considered as tranquil.

MR. P. HOWARD: Is it the intention of Her Majesty's Government to increase the forces in Canada? For instance, to send out the Guards, or some of the other troops? Is it intended to strengthen the hands of the Executive, and to secure the person of the Viceroy from anything like personal insult or attack?

LORD J. RUSSELL: There certainly does not appear to me to be the least reason for sending additional forces to Canada at present. I believe there is quite sufficient force to protect the Governor General; though I am told that the civil force of Montreal consists of two constables only.

Subject dropped.

EMIGRATION FROM IRELAND.

MR. MONSELL then proceeded to call the attention of the House to the importance of encouraging emigration from Ireland. He rose, certainly not without considerable embarrassment, to address the House on this subject, as connected with Irish interests, and as a means essential to the relief of Irish distress. On the one hand, he was well aware of the difficulties which he should have to encounter in dealing with so large a question; on the other, he felt that protracted and, he was afraid he must add, fruitless debates had indisposed the House to the consideration of Irish questions. He threw himself, however, confidently on the indulgence of the House, and would endeavour to merit that indulgence by compressing all that he thought it necessary to say into the smallest possible compass; and, first, he declared his cordial agreement with the opinion expressed by the Solicitor General on the preceding evening, that what was wanted for Ireland was a series of beneficial measures. He quite admitted that the suggestions he was about to make, if carried out, would not avail towards relieving the miseries of some of the worst districts of Ireland, where, on account of the omission of such measures, the population was already reduced by death, and those that remained were enfeebled by disease. He knew also that in almost every place the remedy of emigration would require the assistance of other concurrent remedies. He took, for instance, the Incumbered Estates Bill. He believed that that measure attacked the malady in its source and ultimate cause. He should utterly fail in recommending his views to the House, if he did not prove that they would assist the objects and promote the changes which his hon. and learned Friend desired to effect by that Bill; but his hon. and learned Friend's Bill would not work without purchasers. He must take care, lest haply the estates submitted for sale under his commission, should meet with the fate of those put up

for auction the other day by the Earl of Courtown. Let the House recollect that these estates were situated not in the distressed unions—not under the Court of Chancery — but in a district comparatively well circumstanced — with an undisputed title, and in lots of different sizes, some small and some large, and so calculated to draw forth purchasers, if any persons of any class had any confidence in the existing social state of Ireland. It would be in the recollection of those Gentlemen who had seats in the last Parliament, that the necessity for assisting emigration was urged upon Parliament in February, 1847, by his hon. Friend the Member for Gateshead; and in the month of June by his noble Friend the Member for Falkirk. Those two remarkable speeches showed how utterly impossible it was to surmount the difficulties of the position in which Ireland was then placed, without largely assisting emigration. His noble Friend, he recollected, pointed out the certain operation of the poor-law, if unaided by such means, in diminishing the means of employment—that, consequently, the amount of destitution would be greatly increased—and that the country must go on from bad to worse. These conclusions he proved by *à priori* arguments which it was impossible to answer. He (Mr. Monsell) now pointed out the verification of those conclusions by facts. Nay, he did more, for those words of warning, dimly shadowed out by his noble Friend, were now visibly and legibly written in characters of blood. He might pass lightly over this portion of the subject. Night after night it had been before the House. Ruin had reached every class in many districts. Take the peasantry—you found reports not written by persons who are not responsible for their assertions, but by Government officers. They tell of frequent deaths. In one district only a few days ago an assistant barrister informed the Committee on the poor-law, that in two years one-third of its population had perished. It was thought that they had left the district. He was asked the question; he said that they had died—died of sheer want. What was the account he gave of the prisoners who were tried before him within the last fortnight? He said that numbers had prayed him to transport them. One instance specially he mentioned, in which, having warned the prisoner that he would have to work for seven years at penal labour, and work in chains; what was the reply? "But at all events I shall have a bellyfull, instead of starving here." How was the clothing of the people described? "They were frequently observed," says Mr. Hamilton, "with no other covering except the remnant of some tattered bed-clothing merely hung on their shoulders; two or three persons being covered with what was once a blanket." The returns of the pawnbrokers, which had been laid on the table of the House, proved that the means of the lowest class were exhausted, and that once respectable farmers were now sinking rapidly into pauperism. Let them take the case, not of the union of Clifden, with eleven-nineteenths of its land waste—not of Kilrush, with their 13,000 human beings, described by Captain Kennedy as ejected from their holdings—but of Ballina, to the prospects of which the Chancellor of the Exchequer had alluded with so much satisfaction. What was the account of the county in which that union was situated, given in evidence by Mr. Brett, the county surveyor? "Great numbers," he said, "had died; the diminution of wealth, and of any available resources had gone on in a greater ratio than the diminution of the population—the physical condition of those who remained had deteriorated — the children looked like animals of a lower class." He would not weary the House with further details, but would conclude this portion of his subject by reading a single passage from the evidence of Count Strelecki, that apostle of charity, whose name was never mentioned in Ireland without a blessing, and whose labours in the cause of a suffering people had rendered him intimately acquainted with their condition. Let the House recollect that this gentleman was a great traveller, and had visited almost every part of the globe. Count Strelecki thus spoke of the state of the country:—

> "I am sorry to say that having in my perambulations around the world had occasion to see humanity in most of the latitudes and longitudes, including the aboriginal races in North and South America and the South Sea Islands, and in New Zealand and Australia, I have not found anywhere else men subject to misery of such an aggravated character as the Irish peasantry of the western unions were. The famine described by Sismondi, in Tuscany, in 1846, 1847, 1848, is nothing to be compared with what came under my own observation in Ireland."

They had now abundant information as to the parts of the country to which this remedy of emigration ought to be applied.

There were only forty-three unions in Ireland in which the rates were above 3*s.* in the pound, and there were only about thirty of those unions where it was essential that assistance should be afforded for the purposes of emigration. By applying emigration as a remedy to these unions, they would save them from falling into that state of utter ruin in which so many unions had fallen, and to which all were now hastening. If they did not assist those unions, he believed that the shrieks of misery which have been heard in the west, would now be caught up in districts for which no assistance has yet been required. For instance, the county of Limerick had not yet suffered the extreme distress which prevailed in the worst part of Ireland; but unless a portion of the population there were enabled to emigrate, he had no doubt but that the anticipations contained in the petition which he had presented that evening from the board of guardians of the Limerick union, and which had been unanimously agreed to by them in favour of the emigration, would be verified, and that that county would soon present the same scenes of utter destitution which prevailed throughout seven or eight of the unions in the west of Ireland. Day by day the condition of the people of Limerick was approaching still nearer to that of the most impoverished part of the country; it was losing that which had distinguished it from Mayo or Galway, namely, its capital; and as timely assistance to emigration would have saved those counties, so now it would save Limerick from their fate. Would emigration have saved Mayo? He would ask the House to compare the present state of Ballina, to which he had already alluded, with that of the adjoining districts of Sligo, from which systematic emigration had taken place. At the commencement of the famine, Cliffony, in the Sligo union, was in a much worse state than any part of Ballina, Yet in Ballina many had sunk into a miserable grave; and of those that were left, multitudes were suffering the most acute misery—capital had almost vanished —while those who had emigrated from Cliffony were most prosperous. Through the post-office of that small place, 2,000*l.* had been sent home this year. Its inhabitants were employed, and the poor-rates of the division were comparatively small. How was this happy change effected? Mr. Kincaid, the agent, had told the Poor Law Committee—by emigration; and employment without emigration could not have been made productive. Nothing could exceed the misery through which the Ballina union had passed, while in those districts of Sligo, where emigration had been tried, comparative comfort now prevailed, while large sums of money had been sent home by those who had gone out to enable their friends to join them. Not only in Sligo, but in Tipperary, and every other part of Ireland, from which emigration had been properly conducted, the same beneficial results had followed. The census returns showed that while in ten years the agricultural population of England had decreased 3 per cent, the same in Connaught had increased 21 per cent, and in Munster 15 per cent. In Lincolnshire, one of the great agricultural counties of England, there were only nine labourers to every 100 arable acres; while in Mayo there was a population of 78 on every 100 arable acres. Taking the two countries generally he found that in England an agricultural population of three millions cultivated 30,000,000 of acres; while in Ireland five and a half millions of people cultivated 13,000,000 of acres. There were 60 agricultural labourers to every 100 cultivated acres in Ireland; while in France, notwithstanding all that was said about the great subdivision of land, there was only a population of 39 to every 100 cultivated acres; and in France there was a large non-agricultural population, while in Ireland there is hardly any. Could any one then deny that there was in Ireland a disproportion between the means of giving employment and the number requiring to be employed; how this state of things was produced in Ireland he could not inquire at any length. It was obvious that the penal laws had degraded the people—that they were satisfied with the lowest description of food—and that they multiplied up to the potato-producing power of the soil. In the poorest districts they were most degraded, and they multiplied in those districts fastest. Those districts had a very small non-agricultural population — one acre of potatoes produced as much human food as three acres of corn. Even with the potato the people were on the verge of starvation—without it what tongue could describe the horrors of their condition? As bad as that of Manchester would be if cotton were to disappear—a vast market of men underselling their industry against one another—employers decreasing—those who required employment increasing. As long as that social state remained, they

could not expect that capital would flow into the country, or be expended in the improvement of the soil. As sure as water quenched fire, so surely must such a social state stifle all approach to industry or enterprise in the country. The Incumbered Estates Bill, and Land Improvement Bill, or whatever other beneficial measures they might adopt, must fail, so long as this tremendous evil remained unremoved. Hon. Gentlemen who took an opposite view of this question, were very fond of referring to the case of Belgium. But it should be recollected, in the first place, that agriculture and manufactures had grown up together in Belgium, and that the whole foundation of the agriculture of Belgium lay in the large amount of capital which the small holders were enabled to expend upon their farms. The cotton manufactures of Belgium occupied 122,000 hands; the woollen manufactures of Verviers and its neighbourhood alone occupied 40,000 persons; the hosiery trade occupied 50,000; and the linen trade, in spinning, weaving, and bleaching, 400,000 persons. With such a state of manufacturing industry, how could they compare Belgium to Ireland? They should bear in mind that no less than 15*l.* per acre had been expended on an average in improvements in Belgium; and could they have any prospect of similar expenditure of capital in Ireland with its present overcrowded population? His belief was, that if they gave a scope to the employment of private capital by the encouragement of emigration from the distressed districts, they would have more land drained and more improvements effected than they could hope to accomplish by any measure like the Land Improvement Act, although he admitted it to be a useful enactment. To use the words of an eminent writer, the actual state of penury and misery which makes the cultivators helpless and keeps them destitute, is the great obstacle to the commencement of national improvement. It would be unnecessary for him to occupy the time of the House by showing that emigration would benefit the labouring classes, as that was a proposition which no one would be disposed to deny. It would be a mockery to undertake to prove that it was better for people to be in America in the enjoyment of comfort, than to be starving at home. He knew it was said that emigration from Ireland was at present excessive; but it was of a class which was an injury and not a benefit to the country. If hon. Gentlemen had read the accounts of emigration from Dublin during the past few days, they would perceive that several vessels had gone away filled with strong and opulent farmers, the very class that it was desirable to retain. In the evidence taken before the Select Committee of that House on the Irish Poor Law, he found the following passages descriptive of the sort of emigration now in operation from Ireland. In the report of the vice-guardians of the union of Carrick-on-Shannon, it was stated—

> "We are of opinion a great deal of this poverty is attributable to the emigration of that class of farmers holding from ten to twenty acres of land, who, on their leaving, have disposed of their farms to a class who were desirous of obtaining possession; such have given their entire capital, leaving themselves unable to stock the land, or to pay either the rates or rent, for proof of which there were entered with the clerk of the peace for the last quarter-sessions, in this division alone, 186 ejectment cases; also the loss of the potato, which has affected men of every degree, for we may say the rent was chiefly paid by means of feeding pigs on the refuse of that esculent."

In the Longford union, the Kilkenny union, the Thurles union, and the Kanturk union, the vice-guardians also reported to the same effect. Surely this emigration of capitalists —of the employers of labour—was increasing the disproportion between capital and labour, and therefore increasing overpopulation: a parish with two hundred labourers and ten employers might not have labourers enough, but take away the employers and it would become overpopulated. Another argument often used was, that the natural resources of Ireland could support double the population. He did not doubt but they might, but he could not see how the possible produce of the country under a highly improved cultivation could have anything to do with the immediate position in which Ireland was placed. How long would it take to develop those national resources sufficiently to employ the existing population? and were the people in the mean time to starve? Merthyr Tydvill 100 years ago had only 200 or 300 inhabitants—now it had between 40,000 and 50,000, who were all employed. Suppose the 40,000 or 50,000 had been there 100 years ago, he could fancy the hon. Member for Stroud addressing them, when they asked him for immediate labour; and telling them of the mineral resources which lay beneath their feet, and assuring them that those when developed would give them ample employment; but he did not think that this answer would have been very

satisfactory to his starving auditors. Another argument against Irish emigration was that which had been used the other day by his hon. Friend the Under Secretary for the Colonies. His hon. Friend seemed to think that the opinion entertained in some of the colonies was, that Irishmen did not make good colonists. But so far from this opinion being borne out by the facts, every single witness examined before the Colonisation Committee, with one exception, bore testimony to the superior character of the Irish emigrants. Mr. Cunard stated—

"I think the English emigrant the best, and the Irish next, and that the descendants of the Irish make excellent settlers."

Mr. Pemberton said that the Irish emigrants were the best labourers for all works requiring great strength, and that all very laborious works, both in the United States and in Canada, were executed by Irishmen. Mr. Minturn's evidence contained the following:—

"There was then no indisposition on the part of the Irish labourers to support themselves by honest industry?—On the contrary, every man who was able to carry a spade went to work, and although the commission of emigration commenced its operations in May, and those persons were authorised by law to demand assistance from them whenever they were unable to take care of themselves, there were no instances of applications from ablebodied men for admission to the institutions of the commissioners until the winter set in, which greatly diminished outdoor labour, and at no time were there chargeable to the commissioners more than 300 ablebodied men.

"Out of the enormous number that came?—Out of the emigration of 50,000 Irish, and 160,000 of all nations.

"It also produces very good effects to the people, who themselves emigrate into the country?—Surprising effects. In America they imbibe the spirit of the country. The Irish, who are said to be unwilling to work at home, are industrious in the United States. I have scarce ever known an ablebodied Irishman unwilling to work. I can speak with great confidence with regard to their indefatigable industry and willingness to work, and that they do not seek assistance when they can obtain labour."

He could conceive no statements more decisive than those as to the character of the Irish emigrants, and he thought, after such evidence, that it would be most ungenerous to attempt to influence the House by any repetition of this charge. Another argument was often used by the noble Secretary for the Colonies. He said, assisted emigration would interfere with voluntary emigration: surely not, if it was properly managed—surely assisted emigration was the source from which voluntary emigration flowed. Colonel Wyndham, for instance, or Lord Palmerston, sent out a number of emigrants: those emigrants sent back money to take their friends out, and so the stream flowed on. How was emigration to commence in poor districts where there were no wealthy proprietors, unless it was assisted? So far as the interests of Ireland were concerned, it was no matter whether the emigrants went to the United States or to the colonies. All the emigrants wanted was to be able to earn a livelihood. But, viewing the matter as a Member of the Imperial Legislature, he confessed that it appeared to him to be an exceedingly foolish and impolitic thing not to endeavour to make the colonies attractive to their own subjects. There was no doubt but that the United States were willing to absorb any amount of labour that might be sent over from Ireland. In Mackay's *Western World*, lately published, a most interesting account was given of that portion of the United States to which emigrants from the south of Ireland had within the last few months turned for the first time — namely, the valley of the Mississippi. Mr. Mackay gave an account of the capacity of that great country for the absorption of labour, and of the extraordinary fertility of the soil, which was cultivated at a cost of only 29*s.* 2*d.* for an acre of wheat. He described how St. Louis had increased its population from 5,000, in 1830, to 34,000, in 1847; while Cincinnati, that at the beginning of the present century had only a population of 750, had now 60,000 inhabitants. Mr. Mackay further went on to say that it was to the valley of the Mississippi the Roman Catholic Church had directed its peculiar attention, and that there were to be found there a larger number of missionary priests, and of seminaries and of members of the different religious orders, than in almost any other part of America. Thus, though in some of the most populous parts of the Union the Roman Catholic emigrant was not able to find a clergyman of his persuasion, he was sure to meet with them in those remote settlements on the very borders of the prairies. Therefore, so far as regarded Ireland, it would be a matter of indifference whether these great works were undertaken or not. In the case of Canada, he admitted that, after the information which had been received to-day, there was little chance of Canada this year absorbing any large number of emigrants; and the testimony of the dif-

ferent emigration agents all bore out that view of the case. But he did not think that the information received to-day ought to disincline them, or induce them to consider of little importance the construction of those great works which would tend to the consolidation of our North American empire; and any Gentleman who had seen the remarkable report of Mr. Robinson on the Halifax and Quebec Railway, would see at once the vast advantages which its completion would confer upon that country. For the first 100 miles out of Quebec it would run through the centre of an extended village; the greater part of the remainder of its route would be well suited for emigrants. Its advantages would be great. It would supersede the long and dangerous passage to Quebec of the St. Lawrence, which prevented vessels from making two European voyages in the season without incurring great danger; and it would secure for Halifax the trade between America and Europe. Unless it was made, Portland, which was 400 miles further to the west, would occupy that position, and the whole trade of the western provinces would be lost to Canada. There could be no doubt that the construction of that railway would employ a large number of persons, and it ran through a country peculiarly situated for emigration and for location. He therefore regretted to see that the Board of Railway Commissioners had appended to Mr. Robinson's report some disparaging observations. What might be expected from the construction of that railway, was to be inferred from the results of the Erie Canal, running through a country that was originally as wild and uninhabited as the railway was now proposed to pass through. When Governor Clinton projected that canal it was called in derision Clinton's Ditch. He, however, persevered — an almost miraculous change was effected—the forest suddenly disappeared, and towns and villages sprung up on sites which had long been the haunts of the savage, the wolf, and the bear—only twenty-four years ago forests shrouded what is now the granary of New York. The canal was already found to be too small for the traffic; and notwithstanding the enormous cost of its construction, it was paying 7 per cent upon its outlay. If any importance was attached to the preservation of the connexion between this country and Canada, he would ask the House, was it wise to leave a great work of this sort unattended to, when every person, both here and in Canada, knew very well that if Canada were annexed to the United States, the work would be commenced in five years? It depended, he repeated, upon this railway whether New York or the St. Lawrence was to be the channel of outlet for the productions of the rich and fertile country in the west. But he would now come to another colony, which was of still more importance to them—he meant that of South Africa. That colony was divided into two parts by the territory occupied by the Kafirs. The eastern division of Natal, which contained a number of square miles equal to Scotland, produced in abundance wheat, Indian corn, and other important crops. But, in addition to these, it produced the best possible sort of cotton and indigo. He wished the House to consider the importance of cotton to this country. Last year 1,700,000 packages of raw cotton were imported into England, 1,375,000 of which came from the southern States of America; that was to say, from one latitude, and subject to all the vicissitudes of a single climate. What would be the consequence to this country if the crop of cotton in America were to fail for a single year? The capacity of Natal for the production of cotton was shown by the statements of Mr. Blanc before the India Cotton Committee, who stated that the best sample produced in that colony was worth 1*s.* per lb.—that it produced 600 lbs. per acre—that its productive power was far greater than that of the United States—and that the colonists were most anxious that Government should encourage the emigration of labourers and capitalists, and that the Crown lands should be sold for that purpose. Let the House recollect also that one-half the exports of this country consisted of goods manufactured from raw cotton—that last year more than 25,000,000*l.* worth of cotton goods were exported. He was sure that every gentleman in this country, particularly those residing in Lancashire and the North Riding of Yorkshire, would feel the importance of encouraging the growth of cotton in a district which was so suited to its cultivation as that of South Africa. On the other side of the Kafir territory, the soil also produced cotton and indigo, and was most fertile. And there could not be the least doubt that the location of emigrants in that district would tend to prevent the repetition of expending large sums of money to repress the outrages of the Kafirs, and he was sure that the money would be bet-

ter spent in the location of Kafirs than in the movement of troops. He did not see why they should not adopt the system in that territory which had been so successfully adopted in the most successful settlement ever effected by this country—that of South Australia, where, between 1836 and 1846, 25,000 persons had been sent out, and 500,000*l.* worth of colonial lands sold. There could not be the least doubt that the same number of persons might be sent to Africa for a much smaller sum of money than to the remote colony of South Australia. He would now advert to the means which might be adopted by Her Majesty's Government to promote emigration from Ireland. He would take the liberty of suggesting two separate means for this. In the first instance he would suggest, as stated in a petition which he had presented that day from the board of guardians of Limerick, greater facilities than at present existed might be given to poor-law boards to borrow money for the purposes of emigration; and he was sure that it would be possible in some unions to raise money upon the security of the rates, if that system were sanctioned by law. In his opinion, the facility might be given on condition that the money must be repaid by instalments not extending longer than from five to seven years. Another means he would suggest was, that power should be given to the landlords of Ireland to borrow money on the security of their properties for short terms. He did not think it would be desirable to extend the period for repaying these loans, borrowed for emigration purposes, in the same way as was proposed to extend the drainage loans, over periods of twenty-two years. He was sure that if they did, there would be an exceedingly lavish expenditure of money—that the emigrants would not be carefully selected—and that it would tend to check the emigration that was now going on from voluntary sources. But if money were lent for five or seven years, and if the estates of the proprietors were made liable for the payment of the instalments, he believed they would find a large number of proprietors ready to take advantage of the loan—that the money would be carefully spent—and that it would work exceedingly well. Under such a system nothing could be lost to the Treasury. If the improved estate did not pay its instalments it would be sold. Now, as to the means of raising the million and a half of money which it was desirable to raise for this purpose, he must confess that the course the Government had taken, in preferring the rate in aid to an income tax, had put him in some difficulty; but he admitted that the whole expense must be put upon the Irish resources, because he believed the whole of Ireland would be benefited by the operation of the measure. There was a provision in the Rate in Aid Bill to assist emigration. If the money there provided were to be capitalised with the understanding that at the expiration of the rate in aid some new means of paying the interest out of Irish resources should be provided, he, for one, would be perfectly satisfied with the measure, and he believed it would give satisfaction to Ireland. He had now endeavoured to show that, without this measure which he suggested, there was no chance of capital finding its way into Ireland, and that the Incumbered Estates Bill would not work till the social state of Ireland was improved; and he had endeavoured to show that the social state of Ireland would improve, and would improve rapidly, by adopting the course he had suggested. He had shown that the stereotyped arguments against assisted emigration had little foundation in truth. He had appealed to the House on behalf of the poor, who prayed to be rescued from enforced idleness and slow disease. He now left the matter in the hands of Her Majesty's Government and the House. He had no right to blame those at the head of affairs, that they had not all at once found out the course which was the most prudent to adopt. But he trusted they would now turn their serious attention to this matter. He believed that Her Majesty's Government—though he could not say he believed it of every Member of the House—he believed that the Government, as a body, did not rely for the removal of Irish distress and Irish misery on famine doing its full work. But he was afraid that the idea had got into the minds of some, that they were taking "counsel of hunger." If they did so, their crime was greater; because their light was more than those Chinese parents who exposed their children to keep down the population; and, as sure as there was a God in heaven, they would not escape punishment for such tremendous wickedness.

Motion made and Question proposed—

"That an humble Address be presented to Her Majesty, that She will be graciously pleased to give directions, that there be laid before this House, Copies or Extracts of any Despatches relative to

Emigration to the North American and Australian Colonies, in continuation of the Papers presented to this House in August 1848, and February 1849."

MR. FITZPATRICK seconded the Motion.

MR. J. O'CONNELL had listened with great interest to the speech of the hon. Member, though he did not in all cases agree with him. He had given himself much unnecessary trouble in proving that the condition of the miserable Irish would be bettered if they were removed to our colonies—in proving the capabilities of the Irish to maintain themselves, and of their disposition to work—and also in proving that there were many places which were in absolute want of the labour of the industrious sons of Ireland. But let him tell the hon. Member one significant fact which went rather against his proposition. It was this, that private capital had not overlooked the points to which he had adverted; and if it had not flowed there, it was because the capitalists saw no rational ground for risking their property. But, after all, the practical question with regard to emigration was, Where was the money to come from? The money was the thing. The hon. Member had not stated how this large sum of money was to be obtained, nor how it was to be expended, nor what number of individuals it would be necessary to take out of Ireland. The next question was, If they had the money, could they not spend it better at home? They could not take out the population of Ireland at a less sum than 20*l.* a head. ["Oh, oh!"] He meant to take them out and locate them. That would amount to two millions sterling for 100,000 persons, and he was satisfied that the more persons there were taken out, the greater would be the expense, for the greater would be the difficulty of finding employment for them all; and in common humanity, till that was done, they would be bound to maintain them. But suppose that only one million and a half were required, had this House shown itself so willing to advance the sum? Then there was another point; the more that was done for the people, the less they would do for themselves. [Mr. ROEBUCK: Hear, hear!] He gave the hon. Member the full benefit of that admission; and the truth of the remark was proved by what had taken place on the public works. Besides, the present system of voluntary emigration would be stopped; for if it were known that Government had agreed to provide the funds, the intending emigrants would conceal the remittances they had received from their relatives, of which several thousand pounds were now annually received in Ireland, and would reserve them for the purposes of settlement in their new country. If the House were disposed to spend this money, let them spend it at home, and they would save the lives of individuals at much smaller cost. The Amendment he intended to propose was, that instead of stopping emigration, they should rather look to the means of promoting the present disastrous emigration that was taking place, which was going on to an extent that perhaps the Government were not aware of. He could cite one instance, which had come under his own knowledge, where three frieze-coated farmers had gone together to a savings bank to draw their money, intending to emigrate. One of them drew 500*l.*, the other 170*l.*, and the third 190*l.*, making altogether 860*l.* that was about to be taken out of the country. Now, if the House adopted his resolution, it would have the effect of keeping the people at home, for they loved their homes, and would not leave them if they had any encouragement to stay. They would spend this money upon their own soil if the House of Commons would only pledge itself to settle the long-vexed question of landlord and tenant, and give the latter a right to the fruits of his own industry. As to the security of farmers against wanton ejectment contemplated in the first clause of his Amendment, nothing was more absolutely wanted. And there he begged that the House would permit him to diverge a little from his subject, in order that he might pay a tribute of admiration to the Society of Friends. Nothing could be more Christianlike, nothing could be more admirable, than the exertions of that excellent body. Every man of right feeling must be aware of and must acknowledge it. But their exertions were not known. They were not trumpeted forth. They had neither their chairman's nor their secretary's names, nor the lists of their committees published in the newspapers, and therefore the world at large knew not the vast amount of good that they were doing and had done. But the Irish people knew it, and nothing that he (Mr. J. O'Connell) could possibly say, could adequately convey the depth of his feelings of admiration at their conduct, at their charity, at the humanity and wisdom which directed their efforts. They had

endeavoured not only to save life, but to raise the condition of the unfortunate peasant; and he could only say that he felt himself perfectly inadequate to the task of expressing the high feelings of admiration which he entertained for them. To return to his subject: his hon. Friend the Member for the county of Limerick had cited some instances of the good that had been done by the efforts of individual landlords. But it was only another proof that they could not argue from a particular to a general case. He had never heard of any course of similar proceeding in which cases of individual success might not be found, even where a general rule had been excessive hardship. And although instances could be found of merciful and considerate landlords aiding their tenantry to emigrate, it was not so clearly established that the population so sent out had equally profited, and that prosperity had greeted them upon a foreign shore. On the contrary, they had heard sad tales of sickness, poverty, and death, amongst these unfortunate emigrants. His hon. Friend had proposed no specific plan. He merely wished the Government to adopt some extensive system. But he (Mr. J. O'Connell) thought the cost would be enormous, and that the money, if obtained, could be better laid out for the benefit of the people in Ireland. With regard to the second clause of his Amendment, even the newspapers which had hitherto affected to treat as exaggerations, or whose proprietors really imagined that the accounts from Ireland were merely exaggerations or symptoms of the grasping spirit which was attributed to Irishmen in that House, who were said to cry for "money, money" and nothing else—those newspapers were beginning to confess that life was wasting away in Ireland, not in or two districts, but that throughout the entire country it was threatening the very annihilation of the people. Now, would the Government and the House endeavour to put a stop to that state of things? Had hon. Gentlemen seen the charge of Mr. Serjeant Howley, delivered at Thurles to the grand jury of the county of Tipperary? Let them listen to his description:—

"So far as regards felony cases, attacks upon property, cases of burglary, robbery, and offences of that description, they are unusually large. You have been for years attending as grand jurors of this county, and if you carry back your recollection for a few years you will be able to remember that cases of robbery formed but a very small portion of those which you had to investigate. Dishonesty is not a vice of the Irish people; certainly not. From notions of fancied wrongs or supposed injuries, which were more immediately connected with land, there were committed very grave, serious, and numerous offences; but certainly there prevailed a spirit of honesty among the people, with regard to the attacks upon the property of others, notwithstanding that they were ready to resent some supposed injury, and to vindicate or avenge it, yet cases of theft were few indeed. Why has it been the reverse now? Whence arose the commission of this great amount of petty robberies, of interfering with property? Gentlemne, what has been the actual cause of those robberies? It is easily explained; the destitution, the famine, the wretchedness, the misery and suffering of the country, which cannot be described—that is a cause of the strongest temptation. There is no doubt, so far as it goes, that the poor-law, in giving outdoor relief, endeavours to deal with the calamity and misery so wide spread among the lower classes. But, gentlemen, every day's experience satisfies us that it is unequal to cope with that calamity, so severe and so extensive is its existence. Therefore the temptation to possess some of the property of others is so strong, and that self-preservation which is implanted in us by nature so ardent, that it over-reaches and disregards all principles of morality." * * * "The Bridewell here, which, although unsuited of course to this new state of things, is rather large, has twenty cells, and in which, previous to their trial, there were over three hundred persons huddled together. There is necessarily great danger in keeping a number of persons of that description, even if they were strong and healthy, in such a crowded bridewell for any length of time; but as many of their constitutions must be broken down by hunger and famine, with the seeds of disease upon them, of course it is a grievous circumstance to have them confined there together. In many instances the persons who have been brought before me committed those offences for the mere purpose of being sent to gaol—a place which in former times was looked upon by the people as one of punishment, and from which they turned away with disgust, but now they looked upon it as an asylum or protection from famine and poverty, as a home, and as a shelter. Notwithstanding, when we consider the condition of the people, who are receiving outdoor relief under the provisions of the poor-law in this country, there can be no doubt that the county gaol is considered as a place of shelter to the poor, wan, emaciated, and famishing people, without houses or friends to assist them, or sufficient food to sustain nature; that it is an asylum to prevent them from experiencing the horrors of famine." * * "Now, gentlemen, what is outdoor relief? It has come to my ears, and I believe your own experience will bear me out, that those who are obliged to depend upon the lodgings which they get from others, and for which they must pay by giving the better half of what they receive in outdoor relief, and thus it is that they are tempted by their poverty and suffering to attack and perpetrate those offences with which they stand charged—because, look at their wan cheeks—the mournful expression of their countenances—their wasted forms—their eyes starting from their sockets—and their limbs tottering by the slow process of want—look at their ragged garments—their wretched clothing

melting off their backs. Alas! gentlemen, that is a picture which, I regret to say, we will behold in the progress of this session."

So much for Tipperary. What was the condition of the west? He would state a few of the accounts that had been lately published. He had not selected them, as would be at once seen; for many cases as bad, and some even worse, might easily be discovered by any one who would carefully look for them. In Kilmoney and Ibrickane, in the county Clare, 300 families had recently been evicted; 130 deaths had taken place in the workhouse within the last month—fifty in one week. In Kilrush, in the same county, 1,500 houses had been destroyed. In the workhouse of Nenagh, county Tipperary, there were 2,800 paupers; 102 had died in one week, and 941 had died since the 24th December last. In Killimore, county Galway, thirteen people were found dead upon the roads and in the fields within three or four days. In the Ballinasloe workhouse there were 4,700 paupers—there were thirteen auxiliary workhouses; 225 people died in one week in the workhouse; ten or twelve died weekly outside the doors; and he found in the *Times* of that very day, the 15th of May, the statement that 860 paupers had died in the workhouse in one week. In Moycullen, twenty-seven people died in three days, and the dead lay unburied for want of coffins. Between Blackwater and Ardmore, in the county Kerry, six people died of starvation within the week, on the road side. [The hon. Member then proceeded to give extracts from Irish newspapers, confirmatory of what he had previously stated.] Again, he asked the House what should be done to save the people from such a condition? The poor-law would not do it. The noble Lord at the head of the Government had said, that it was a most extraordinary effort for the people of Ireland to raise 2,500,000*l.* in one year for the poor. But the effort had exhausted them, and the poor-law was bringing all down to a level of ruin. There was another point of view: if the rates were now insufficient to preserve life, how could the people be induced to consent to an increased rate for purposes of emigration? What he wanted the House to consider was, that it had not done wonders. For what it had done, he was thankful. It had acted kindly. But it was not yet discharged of its responsibility. Life was still perishing miserably, and something further should be done. He found that he was prevented by the rules of the House from moving the third paragraph of his Amendment—that the House should resolve itself into a Committee to consider the further advances for the relief of distress in Ireland; but the House ought to feel convinced of the propriety and necessity of adopting such a course itself. The people looked to the House of Commons, and considered it their natural protector; and unless it agreed in those most unchristian and cursed doctrines to which his hon. Friend had alluded—those economical doctrines put forward by men calling themselves Christians, who said the people of Ireland should be suffered to starve down to a fair proportion of population—unless the House agreed in those hideous principles, it should do something more for the Irish people to keep them from perishing by wholesale. Having spoken of the starving people, he should next speak of the condition of the country generally, and he could not do better with the subject than quote the address of the relief association of the Society of Friends in Ireland:—

"In losing their crop of potatoes they lost all, and sunk at once into helpless and hopeless pauperism. The small farmers still preserved hope. With great exertions, and submitting in many cases to extreme privations, they again cropped their ground. A second failure of the potatoes pauperised them also. Then came the increased poor-rates, heaviest in those districts which were least able to bear them—weighing down many who, without this last burden, might have stood their ground—alarming all by the unaccustomed pressure of an undefined taxation, and greatly reducing the small amount of capital applicable to the employment of labour. The landed proprietor, in order to provide for the payment of rates, has been obliged to leave much useful work undone—thus lessening the numbers of labourers employed. In many cases, his chief effort has been to diminish the population by a frightful system of wholesale evictions, and thus get rid of a tenantry who, under happier circumstances, would have been a source of wealth, but whom his inability to employ had converted into a heavy burden. . . . The paupers are merely kept alive, but their health is not maintained—their physical strength is weakened, their mental capacity is lowered, their moral character is degraded; they are hopeless themselves, and they offer no hope to their country, except in the prospect so abhorrent to humanity and Christian feeling, of their gradual extinction—by death. Many families are now suffering extreme distress, who, three years since, enjoyed the comforts and refinements of life, and administered to the necessities of those around them. . . . . That security to the cultivator of the soil does not generally exist in Ireland is admitted. Upon this point there is scarcely a second opinion—the laws which regulate the title to and the conveyance of land, require to be changed, so as to give the utmost freedom to its sale and transfer, so as to pass those estates whose

proprietors are irretrievably ruined into other hands, and to enable those who are partially encumbered to free themselves from their difficulties by disposing of part of their landed property. Until this be effected—until the soil of Ireland be held by a clear and marketable title—until the owners be enabled to sell the whole or any part of their property, without the ruinous delays and heavy costs which now prevent them—until the creditors of a landowner have those facilities for enforcing payment of their debts to which justice entitles them—it is vain to hope that Ireland can raise herself from a state of poverty and degradation. But without those changes in the laws relating to the tenure and conveyance of land which shall open a free scope for the employment of its capital and its industry, and give ample security to the cultivators of the soil, we cannot hope for general and permanent improvement. Measures of a much more decided character are necessary to produce any permanently useful effect: the situation of the country is daily becoming worse—there is no time to lose if those now suffering are to be saved. But our paramount want is not money—it is the removal of those legal difficulties which prevent the capital of Ireland from being applied to the improved cultivation of its soil, and thus supporting the poor by the wages of honest and useful labour."

No Irishman could say that that description was overcharged. Was it to be allowed to continue? Let the noble Lord beware, lest, whilst he introduced only measures that would take a long time to become operative, he would but make a desert, and then call it peace. He (Mr. J. O'Connell) would himself propose meatures. He could not say how wild they might be deemed. They could not be more completely revolutionary than the plan of the anti-revolutionist the right hon. Member for Tamworth, or that of the other anti-revolutionist the noble Lord himself. He (Mr. J. O'Connell) said, that every man who received an income from the soil of Ireland ought to be at home there to do his duty at such a time. The landed proprietors were wanted there. The House said that the property of Ireland should support its poverty. The proprietors should then be compelled to come home—rates should be doubled or trebled upon absentees. Where there was a will there was a way, and they could easily find means to compel their presence. Let them carry out their improvement of property measure—their Drainage Bills—their reclamation of Waste Land Bills; and there was no reason why the plan of his hon. Friend should not come in as an accessory, but as a great leading measure it would not do. It would be better if the House at once appointed a Committee of the leading influential Members to go over to Ireland to examine, with their own eyes and ears, the condition of the country, and report accordingly. Much time would be saved by such a course, and they could then legislate with a knowledge of the country. But their present legislation was doing nothing to put a stop to the frightful evils that existed. With these views he begged to move the Amendment of which he had given notice.

Amendment proposed—

"To leave out from the word 'That' to the end of the Question, in order to add the words, 'Emigration is, at the best, a partial, tardy, and most expensive remedy for the evils of Ireland; and that it is more immediately necessary at present to endeavour to check the disastrous emigration of the farmers and small capitalists of that country, by giving them security against wanton ejectment, and loss of the fruits of their industry and enterprise, rather than to stimulate their departure, or that of the labourers who would be employed by them if such security were given:

'But that the most immediate and pressing object for this House to consider, is the frightful progress of starvation, disease, and death, in Ireland; the total insufficiency of local means, as well as of any assistance now afforded by the State to arrest that progress; and the urgent necessity that exists for additional contributions from the State to save hundreds of thousands from perishing, and whole counties from being depopulated.'"

Mr. SCULLY seconded the Amendment.

Mr. MOORE observed, that it was with great pain he saw the two Motions which had been proposed by the hon. Members sent to that House from the same county to represent the people of Ireland. What hope could the people have that their representatives could have any weight in the House, when they saw one hon. Member bringing forward a Motion to counteract, neutralise, and frustrate a Motion of another hon. Member from the same county? With respect to the first paragraph of the Amendment, that emigration was a partial, tardy, and expensive remedy—a more ill-timed, ill-judged, and incongruous statement, one more inconsistent with itself and with the facts, he never heard. Why, all remedies for grave diseases must be partial, tardy, and expensive. It was only quacks, charlatans, and impostors who pretended to cure complaints of forty years' standing by nostrums which were to act at the moment. The people of Ireland were emigrating in the most disastrous way in which emigration could take place, for those who went took with them the capital of the country. If the hon. Member for Limerick were to try his hand at persuading a half-starved Connaught peasant

to reject a free passage to Australia, and to stay at home for his outdoor relief and Indian meal, he would most probably be met with the reply, "Give me the passage to Australia, and try the Indian meal yourself." But the hon. Gentleman suggested a remedy for the evils of Ireland. It was security against ejectment. That might have done very well some years back, when land had value, and when the people were not anxious to fly the country; but it would be of as much service now in Ireland as it would be to tell a soldier in California you would not dismiss him in order to prevent desertion. The Government must act at once. In the name of that hapless race who were fast vanishing from the land their ancestors had reclaimed, he called on the House to declare that by some means or another—by national taxation, or by confiscation, if they liked—Government should discharge its first duty to humanity; that this duty should be enforced, and death and desolation should be put an end to. He had received accounts the details of which were so horrifying to our common humanity, so degrading to the wretched creatures themselves, and so nauseous and disgusting in effect, that he could not bring himself to lay them before the House. Under their system of outdoor relief they had realised on this earth the terrible phantom of the poet's imagination—

"The nightmare Life-in-death."

Unless they did something more, their present system of relief was only helping the people on their journey to the grave; and he called upon them, for the sake of their own characters before the world and posterity, to avert from themselves the shame of what must ensue should the Government persist in the course they had taken.

SIR G. GREY would admit that there was something worthy of consideration in the Motion of the hon. Member for the county of Limerick, and thanked that hon. Gentleman for the manner in which he had brought his Motion forward. He conceived that the hon. Member for the city of Limerick had not dealt fairly with the view of his hon. Friend, who had brought forward this Motion, when he represented him as asserting that the only remedy for the evils of Ireland was emigration on a large scale, and that the national resources should be devoted to that object only. He admitted that there were parts of Ireland where there was what might be termed a congestion of the population, which might be relieved by emigration; and he thought that emigration as applicable to those parts of Ireland could not be spoken of as an evil; whatever opinion might be entertained as to the proportion of population to the whole area of the country. Looking at the vast number of persons who had emigrated from Ireland in 1848, it could not be said that the emigrants generally consisted of farmers who had capital in the country. In 1848, 250,000 persons had emigrated, the greater portion of which were Irish; and in the course of the following year, 104,000 persons had emigrated, the majority of whom were from Ireland. This number must have comprised a large proportion of persons without capital. It would, of course, be a great advantage to this country and to Ireland if all the persons who emigrated were those without capital—if the emigrants only carried with them to distant lands their labour; but the House must not forget the objection which our colonies made to receiving vast numbers of persons in a state of utter helplessness, wretchedness, and disease; and he believed that nothing could tend more to render the colonies willing to participate in any system of emigration than the practice of sending out as emigrants mixed classes, consisting both of those who had capital, and were able to employ labour, and of those who only possessed their labour—a most valuable capital to them. The House should also bear in mind the remarkable fact that no less than half a million of money had been remitted in one year from America by Irish emigrants for the purpose of enabling their friends to follow them to that country. That was a source of assistance perfectly unobjectionable; no disadvantage could accrue from the assistance thus afforded. The hon. Member for the city of Limerick, deprecating emigration, had stated the expense of it very much beyond that which it really was. Persons might emigrate, with very proper provision for their comfort, at about 5*l.* per head; but the hon. Member had stated it at about four times that amount. He trusted that nothing which should pass in that debate would interfere with the stream of emigration which was setting in most usefully from some districts of Ireland; and, without at all interfering with the means which were now in operation, he could assure the hon. Member for the county of Limerick that there would be no

indisposition on the part of Her Majesty's Government to consider any proposal which could be made for assisting that emigration. He understood the hon. Gentleman to make two proposals: the first, that increased powers should be given to the boards of guardians, of advancing from the rates; and increased powers of borrowing, on the security of the rates, money to be applied to the purposes of emigration; and he understood that the hon. Gentleman believed private individuals were willing to advance money on that security. Now, if in Committee upon the amended Poor Law Bill, the suggestion of the hon. Member should be embodied in a clause, he could only say that the Government would give it a fair consideration. It certainly would be the adoption of no new principle; but the extension of powers which had already been given, but which had proved inefficient. Existing powers of the same sort were conferred by several Acts. By the 1 and 2 Vict. c. 56, s. 51, on the application of the guardians, the ratepayers might be assembled, and if a majority agreed, a rate might be made not exceeding 1*s.* in the pound for a year, for the purpose of assisting emigration; but that emigration was limited to the British colonies; and he thought that perhaps that limitation might be usefully removed, as well as the necessity of obtaining the consent of a majority of the ratepayers, which no doubt might be a serious obstacle to the successful operation of the measure. He found by a return which he had obtained, that in 1848 only twenty-seven persons emigrated under that provision. By the 6th and 7th Vict. c. 92, two-thirds of the guardians, subject to the regulations of the Commissioners and the sanction of Her Majesty's Government, were empowered to make a rate for the same purpose not exceeding 6*d.* in the pound; but that emigration was also limited to the British colonies; and, in fact, only seven persons had in 1848 availed themselves of that Act; but it had been made use of in promoting a very useful class of emigration, the emigration of destitute orphans from the workhouses. By the 10th Vict., c. 31, s. 14, provision was made enabling the boards of guardians to afford aid towards emigration to the occupiers of land, upon their surrendering the land, all the rent being forgiven, and the landlord having paid two-thirds of the expense; and about sixty-seven persons, in 1848, had emigrated under the provisions of that clause. It was clear, that the provisions of the existing poor-law, in this respect, were in a great measure inoperative; and if the experience which his hon. Friend opposite possessed enabled him to suggest any improvement in those provisions which would render them efficient, and promote emigration in a manner which they were designed to accomplish, he should be most happy to see that result, which would be in accordance with the expressed intentions of Parliament. The next suggestion made by the hon. Gentleman was, that power should be given to landed proprietors to borrow money, to be applied to emigration on the same principle as that in which they were enabled to borrow it for land improvements. The obvious objection to that proposal was, that it would be extremely difficult to apply the rule with fairness to all parties, which was applied on the case of land improvements, by making the loan a charge on the estate. The advantage of emigration was more direct to the immediate owner, though it might not produce any permanent improvement in the property; and the immediate owner would be more ready to spend money upon emigration than on those improvements, the benefit of which would not be so immediate, but would be more lasting. But the hon. Gentleman proposed to meet that objection by limiting the period of repayment to five instead of twenty-two years; and, to some extent, no doubt, that course would meet the objection. He did not understand the hon. Gentleman to propose that any part of the money which had already been appropriated for the purpose of land improvements should be applied to emigration; and he certainly thought, that to divert any portion of the sum which had been so appropriated, would be doing very little for the object which the hon. Member had in view, and would be withdrawing that money from an object in which the whole of it might be spent with great advantage to that country. But the proposal to give landed proprietors powers of borrowing money for the purpose of emigration, was one which, if embodied in a Bill, would meet with the careful attention of Her Majesty's Government. As to the employment of the money which had been already appropriated, he believed that 20,000 was the number now actually employed and receiving wages out of the money already issued to landed proprietors, and these 20,000 were of course ablebodied persons,

representing families, averaging four persons to each one so employed. As to our colonies, he quite agreed with the hon. Gentleman that they would derive great benefit from a well-conducted system of emigration; and when he said a well-conducted system, he meant a system which should include not only emigrants of the poorest class, but those also who had the means of employing labour. It was not necessary for him to say more at the present time on the Motion of the hon. Gentleman opposite, because the hon. Gentleman had not submitted any Motion upon which the opinion of the House could be taken, but had concluded with a formal Motion only; and when the proposals of the hon. Gentleman were before the House in a practical shape, that would be the time for expressing an opinion upon those distinct propositions so submitted. As to the Amendment of the hon. Gentleman the Member for the city of Limerick, he would only say a few words. He thought that, as the hon. Member had complained unfairly of the hon. Gentleman opposite for bringing forward emigration as the sole remedy for the evils of Ireland, so he had erred in a different direction by denying that emigration, as one means of relief, might be of great advantage to that country. The hon. Member had stated, with great truth, that the distress in Ireland was almost unprecedented; but he had also unnecessarily exaggerated that distress; for he had said that, in the workhouse of Ballinasloe the deaths had amounted to 500 in one week, and in the succeeding week to above 800; but he (Sir G. Grey) learnt from the best authority—the noble Lord who had devoted himself with so much energy to the relief of distress in that district—that the cholera had broken out there, and that many persons were brought in a dying state into the workhouse, in consequence of which, in one week, between 400 and 500 persons did die in the workhouse; but in the succeeding week the number was much diminished, and by the last accounts the deaths were not more than six per day. It was unhappily quite unnecessary to exaggerate that distress; the statement of it made in the valuable report of the Society of Friends was only too true a picture. But when the hon. Member said that the responsibility of all that distress rested on the Imperial Parliament, he must protest against any such doctrine. Neither the Imperial Parliament nor Government could take upon themselves the responsibility of averting all the consequences of famine which was the result of natural causes. They might attempt to mitigate them; and if the hon. Member had read the paragraph preceding that which he did read from the report of the Society of Friends, he would not have charged the Government or the Legislature with inattention to the distress of Ireland. [The right hon. Baronet then read a passage which stated that the large amount of money expended by the Government and other contributors had probably prevented many persons from dying of starvation.] Really, it was too much to say that because misery and distress still existed, therefore all that money had been thrown away. [Mr. J. O'CONNELL: I did not say so.] He did not believe that more could have been done than there had been to mitigate that distress; but the hon. Gentleman called upon them to make further advances now. Advances had been made, and were still being made, for the purpose of supplying aid in the districts where the distress was the greatest; but the hon. Member said they ought to have looked to the opinion expressed in the report of the Society of Friends, and to have given security to the cultivator of the soil. Now, what did the Society of Friends say? They said that the laws which regulated the title to land required alteration—that freedom ought to be given to the sale of estates—that incumbered proprietors ought to have facilities for getting rid of their land—and that until the soil of Ireland was held by a clear and marketable title, until creditors had the means of enforcing payment by sale of the estates of the debtor, it was in vain to hope that Ireland could be raised from the state of poverty and misery into which she was plunged; that the paramount want of Ireland was not money, but the removal of the legal difficulties which prevented the sale of land. He was convinced that it was by the adoption of such measures that Parliament could best interfere; in the meantime, doubtless, they were bound to do what they could to mitigate existing distress; and he trusted that means would still be found sufficient to mitigate that distress to a great extent. The true remedy was to be found in the land being placed in the hands of persons with capital capable of employing labour in the improvement of the soil, and in the payment of wages, which would enable the labour-

ing population to live in comfort—in the creation of a class of substantial tenant farmers and of agricultural labourers. It might be long before such a system could be perfectly established; but that was the object at which they ought to aim; and he trusted that in the end it might be accomplished.

Mr. J. O'CONNELL said, the right hon. Baronet had misunderstood him in supposing he had said that the money contributed had been thrown away. He, on the contrary, admitted it had done much good; but he conceived it to be wholly inadequate to the occasion.

Mr. E. B. ROCHE believed the proposal of the hon. Gentleman the Member for the county of Limerick, as explained by the right hon. Baronet, to be a practical delusion. He was inclined to think, with his hon. Friend the Member for the city of Limerick, that the expense of emigration would be 20*l.* a head. They might possibly find a few individuals who might be sent to our colonies for 5*l.*; but if they meant emigration to be carried on upon a large scale, so as to produce an effect upon the present state of Ireland, then they must be prepared not only to send them to the colonies, but have some arrangements made for them on their arrival. It would not suffice to sweep the workhouses of Ireland, and fling their contents wholesale upon another country. In fact, to do any good, there must be colonisation as well as emigration. With the landlords and farmers bankrupt, and the poor starving, what would be the benefit of any partial system of emigration? Though the harvest prospects were good in the south, the distress of the labouring population there was greater than he ever remembered it; the workhouses were crowded, so that a frightful epidemic had broken out. Unless some means were adopted to give employment to the ablebodied poor, Mr. Twisleton's prophecy would be fulfilled, and the Legislature would be a party to the ruin of a great nation. One thing recommended in the Amendment, the security of tenure, was absolutely necessary. Much was said of the want of capital in Ireland; and no wonder, when there was no security of tenure. Though the landlords were now prepared to do their duty, they had neglected it heretofore by resolving in a body not to give leases to Catholic tenants. The only class now in Ireland who had capital was the working farmers. Give them security, and induce them to lay out their capital on the land, and they would do much, though not all, for the welfare of the country. Ireland had never been allowed to govern herself, or develop her own energies; and if, as the hon. Member for Sheffield proposed, all further advances were refused, Ireland would with one voice demand to be allowed to govern herself. If England repudiated her, she would repudiate the legislative Union. It was impossible to carry out emigration on a sufficiently large scale to be of any use; therefore, whatever tropical remedies were proposed, they ought to be immediate.

Mr. F. O'CONNOR said, the proposition of the hon. Member for the county of Limerick very much reminded him of the practice adopted by some persons to get rid of an old dog—that of sending him out to get lost. The parallel drawn between Connaught and Belgium was most defective, as in the latter country, after deducting the 600,000 employed in manufactures, there was still a larger proportionate number supported on the soil. The hon. Gentleman and his class were not averse to the expatriation of the poor; but they lamented over the departure of capital. The fact was, as the hon. Member for Manchester had stated, that Ireland was not half populated. The money locked up in the savings banks amounted to 400,000*l.*—the strongest possible proof of the want of confidence in the landlords. Let them give their tenants leases, and every farthing of that money would be applied to the cultivation of the soil. Because the landlords chose to keep their estates but half cultivated, were the people to be thrust out by wholesale on that account? No one could say the land in Ireland was sterile. There were a few good landlords, such as the hon. Member for Northamptonshire, but they were the exception; and it was through the bad landlords that the House received its impression of the Irish people. The new crop of paupers had been created by the landlords ousting those tenants whose leases had expired, and who no longer possessed the franchise. Hence they had sacrificed the welfare of the country, and their own real interests, to their political feelings. But he had predicted what would be the effect of free trade; and hitherto the Irish landlords had not had more than a taste of it, and the English landlords had not felt it at all. It was impossible now to go back to protection; but the Irish Members had nobody but themselves to thank, for they were led

up in a body, at any one's bidding, to vote for free trade, and now they would vote against it to a man. Last year he had foretold the deficient harvest, and said that Canada would be lost. The one prediction had been verified, the other was on the eve of fulfilment; and if Ireland were lost too, it would be the fault of the English and Irish landlords. After passing Coercion Bills, and taking away the last remnant of the constitution, could they suppose the people would lie down and die? It would be well if Ireland was not lost to this country within a twelvemonth. He would tell the manufacturers that Ireland might have been made a better customer than all our colonies put together; but the landlords, and the Government, by permitting them to do so, had destroyed her both as a consumer and a producer. It was true that Ireland had produced hodmen and wharfingers for England; but she had produced also, he was sorry to say, soldiers and sailors for England, and statesmen and poets. [An Hon. MEMBER: And agitators too.] Yes, and agitators too—a class of men who, he was sorry to say, took exceedingly good care of themselves while pretending to devote themselves to the public good. The present degradation of Ireland was owing, more than anything else, to that fatal system of agitation which had kept the country in a state of excitement, without directing it to any valuable object. He rejoiced that that course of agitation was now at an end. He would tell Ministers that it would be impossible for them to preserve Ireland, and difficult to preserve England, amidst the storms and conflicts prevailing in every country of Europe, if they did not compel the landlords to do their duty to the people. It was monstrous to see such men coming down and opposing a rate in aid, when they would not stir one step in a right direction for relieving the distresses of the country. Ireland had been, might be, and yet would be a great country; but not under the rule of her present landlords. Were absentees compelled to to do their duty, there would be much less of complaint. He regretted that the rate in aid, which he had supported in every stage, had not been five shillings, instead of sixpence; that would have been a step towards compelling the landlords to do their duty. He did not anticipate much benefit from the Incumbered Estates Bill, for neither the landlords nor the mortgagees would consent to sell.

SIR J. YOUNG said, the hon. Gentleman, according to his own account, had predicted everything that occurred for the last four years; but if he were a prophet, he had certainly never been believed in his own country. He (Sir J. Young) denied that the evils of Ireland were at all attributable to free trade; instead of an injury, it had been a great benefit to Ireland, more than to any other part of the empire. The only product of the soil which had yielded the best return was flax, and that had not been protected. Nevertheless, the county he represented (Cavan), was in a state of the greatest distress; but this was mainly attributable to the loss of the potato, many of the farmers having lost three-fourths of their produce. The evil had been aggravated by the commercial depression in this country, and by the disturbed state of the Continent. The distress of Cavan had not been caused by the poor-laws; the rates, varying from 3*s.* to 4*s.*, had been paid; and the burden was not very heavy. The proportion of agricultural labourers throughout the county was as one to every nine acres, and as one to seven in some districts, while in England it was as one to every thirty-three cultivated acres. Now, though he believed that the landlords generally were anxious to give employment to the people, so as to prevent them from going into the workhouse, it was totally out of their power to do so, the number of labourers being so great in proportion to the means of giving them employment. They therefore looked to emigration as the best, the surest, and almost the only resource in the present condition of Ireland. He believed that a small amount of emigration, as compared with the population, would ease the pressure on the labour market, and would raise the condition of the labouring class materially. He believed that in no part of Ireland was emigration so necessary as in those places where it was thought least necessary—namely in Leinster and Ulster. The condition of Scotland a century ago was not unlike that of Ireland at the present moment. It was the boast of a statesman of that day that he had made brave and intrepid soldiers of those who were till then inveterately disaffected to the Crown of England. It was not necessary to make the Irish brave and intrepid—but they might be made fellow-citizens and prosperous subjects of this empire. He advocated this measure because he had not much faith in the other expedients which

had been proposed. He did not attach much importance to the small area rating or to a labour rate. In legislating for Ireland generally they should not attempt to stimulate any particular class, or even the Government, to take care of the people, because there was only one class that could take this care upon them, and that class was the people themselves. He had confidence in the energies of the people of Ireland. He thought that education should be promoted by all means, that they should elevate the moral standard of the people, that they should leave industry free and unfettered. By these means, he was perfectly confident, the people of Ireland would right themselves sooner, and better, and more effectually, than could be done through the interposition of either landlords or the Government.

MR. SCULLY considered that emigration was a useless measure for Ireland as long as so much unproductive land remained at home which was capable of being brought into cultivation. He could bear testimony to the accuracy of the picture drawn by his hon. Friend the Member for the city of Limerick respecting the condition of the people in that county and in the neighbouring county of Tipperary. The fields were untilled, the lands were unstocked, and the roads were filled with men, women, and children, whose occupation was that of breaking stones. Emigration in connection with other measures might be useful; but the question to be decided at the present moment was a question of life and death, and he should therefore give his warmest support to the Amendment of his hon. Friend.

MR. BOURKE believed that the question of emigration was of paramount importance to the people of Ireland. It was a mistake to suppose that the boards of guardians would not be able to raise money on the security of the rates for the purpose of promoting emigration. His experience of parties who had money to lend was quite the contrary. It seemed surprising to him that there should be such disparity in the statements respecting the cost of emigration. He believed that the emigration from Ireland had cost under 5*l.* a head, and that the noble Viscount the Secretary for Foreign Affairs, who had done so much for the improvement of his tenantry, had sent out persons from his estate under 4*l.* 10*s.* a head. It was said that it was now too late for emigration. He did not agree in that opinion, for if carried out at once, emigration would bear immediate fruit and confer instant benefit. He should support the scheme of his hon. Friend whenever he brought it before the House, and he believed that no measure was likely to be so popular amongst all classes in Ireland.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided; Ayes 45, Noes 10: Majority 35.

List of the AYES.

Adare, Visct.	Hill, Lord M.
Anstey, T. C.	Hobhouse, rt. hon. Sir J.
Arundel and Surrey, Earl of	Howard, Lord E.
	Humphery, Ald.
Bass, M. T.	Jones, Capt.
Blackall, S. W.	Kershaw, J.
Bourke, R. S.	Labouchere, rt. hon. H.
Bremridge, R.	Lincoln, Earl of
Broadwood, H.	Magan, W. H.
Brockman, E. D.	Napier, J.
Clay, J.	Pearson, C.
Cobden, R.	Power, N.
Cubitt, W.	Salwey, Col.
Denison, W. J.	Sandars, G.
Duncuft, J.	Somerville, rt. hn. Sir W.
Ferguson, Sir R. A.	Tancred, H. W.
Fitzpatrick, rt. hon. J. W.	Thompson, Col.
Fox, W. J.	Thornely, T.
Grace, O. D. J.	Trelawny, J. S.
Greenall, G.	Wilson, J.
Grey, rt. hon. Sir G.	Wood, rt. hon. Sir C.
Gwyn, H.	
Hawes, B.	TELLERS.
Heald, J.	Monsell, W.
Henry, A.	Young, Sir J.

List of the NOES.

Devereux, J. T.	Reynolds, J.
Fagan, W.	Scrope, G. P.
Meagher, T.	Scully, F.
Moore, G. H.	
O'Connor, F.	TELLERS.
O'Flaherty, A.	O'Connell, J.
Rawdon, Col.	Roche, E. B.

Main Question put, and agreed to.

PRISON DISCIPLINE.

MR. CHARLES PEARSON moved for the appointment of a Select Committee to inquire and report upon the practicability of establishing one uniform system of Prison Discipline, to be applied to all persons sentenced to imprisonment for crime. He said he asked for the appointment of the Committee upon various grounds, either of which would, he apprehended, entitle him to his Motion. The enormous expense of our present prisons, and present systems of prison discipline, demanded inquiry. Nearly 500,000*l.* a year were expended upon prisoners, besides the extra-

vagant cost of the prison palaces in which they were confined; and besides nearly half a million a year expended by Government for the hulks, and the cost of transports and penal establishments at home and abroad.

The incongruity of the various systems practised in different gaols in the united kingdom required immediate correction; they varied as much in principle as in practice and expense. These systems could not be all right. At this moment in some prisons we had the congregated, in some the separate or solitary, system; in some tread-wheel labour, in some productive labour, and in some no labour at all; in some prisons the inmates cost 50*l.* a year, and in some not 10*l.* each. He would undertake to prove, if the Committee were granted, that more than half the sums now expended for prisoners might be saved; that with prison farms and prison workshops, instead of prison palaces, convicted prisoners might, as a class, be made to feed and clothe themselves and their guards by the produce of their own labour, without interfering unjustly with the industrious occupations of the honest poor.

The cost of the buildings erected for the confinement of prisoners was as unequal as the cost of their maintenance and management. Millbank Penitentiary was said to have cost the enormous sum of 500*l.* per prisoner. The prison inspectors said that York gaol had been enlarged at a cost of 1,200*l.* per prisoner; and Reading prison palace, called the Model County Gaol and House of Correction, cost upwards of 49,000*l.*, though the daily average of prisoners was but 140, being equal to 350*l.* or at 5*l.* per cent, 17*l.* 18*s.* per annum for the lodging of every prisoner, man, woman, and child, confined within its walls. This was denominated the model goal; and if its expensive construction should be carried throughout the country, it would require six millions of sterling money to furnish the same princely accommodation for the average number of prisoners confined in the various gaols of the kingdom. The increase in the number of commitments for crime in this country, was sufficient to startle every reflective mind; it imposed upon the Government and the country the unavoidable duty of making a searching inquiry into the causes of this increase, and the means of repressing its further augmentation. The number of commitments and recommitments had increased during the last forty years upwards of 400 per cent, while population, during the same period had been augmented only 65 per cent. He did not mean to say that crimes had actually increased in this ratio, either in number or amount during this period. It would be most unfair to measure the comparative morality of the nation at the commencement of the present century, and at the present period, by any such standard; it would be notoriously untrue. In many respects the national character had greatly improved during that period, and a considerable portion of the increase of commitments might be accounted for by circumstances that had occurred in the intervening time which served to influence our criminal statistics, without in any degree showing a corresponding increase in the depravity of the people, or even of the classes which, on account of their poverty and their numbers, furnished the largest portion of our prison population. Amongst these circumstances may be reckoned the disbanding of a large portion of our Army and Navy, and the cessation of impressment and recruiting, which, upon the return of peace, threw back upon society the portion of loose population which, during the war had been otherwise absorbed. A more effective system of police in both the metropolitan and provincial towns, and in the rural districts, had, at least for a time, increased the number of commitments in a greater ratio than the number of crimes actually committed. The payment of prosecutors' and witnesses' expenses out of the public funds, had led to the same result: the abolition of capital punishments, the diminution of transportation, and the shortening of sentences, had all had a telling effect upon our criminal statistics. There was yet another source of the increase of commitments, which probably produced a greater effect upon the number than all the preceding circumstances put together; he meant the meddling system of legislation—the consequence of a high state of civilisation, which sought to give increased protection to the possessions and the enjoyments of the wealthy classes, by elevating into crimes punishable by imprisonment acts which were not formerly the subject of penal infliction. The prison inspectors' returns, carefully examined, proved that 80 per cent of all the commitments were for larcenies, misdemeanours, juvenile delinquencies, acts of vagrancy, and other petty offences, the moral and

legal gravity of which was fixed at so low a point, that the punitive and reformatory justice of the country was satisfied by sentences of imprisonment varying from seven days to six months. There was still another mighty cause of the increasing numbers of prisoners, who flocked to our gaols as places of refuge for the lazy and the luxurious, rather than as places of punishment: the increasing comfort of our gaols, coincident with the decreasing comforts of our labouring poor, afforded a direct premium for crime, of which the worthless members of the community, particularly in hard times and hard seasons, were not slow to avail themselves. Prisoners in our modern gaols were better fed, better clothed, better housed, better taught, and their health and comforts better cared for, than the great mass of those classes of the community from which they proceed, and to which at their discharge they must return. In the model prison of Reading, for instance, criminals were not only not compelled to perform any hard labour, as a punishment for their crimes, but they were not even allowed employment for their reformation and improvement in habits of industry, except by way of recreation and relaxation from their principal occupation, mental education. They acquired in that prison a taste for luxurious indolence, which it was impossible for them to gratify by honest means when they quitted the establishment; and they must leave that palace of a prison with less capability of earning their living by honest industry, than when they entered its splendid portal. Thus while they inflict a serious injury upon the struggling ratepayer, whose hard earnings defray the charges of this costly establishment, and while they deteriorate the power and the capacity of the prisoner as a free labourer, they undermine the honest disposition of the industrious poor by teaching them that crime is rewarded with comforts which honest industry cannot procure.

If the reports of our prison inspectors, and the evidence of the chaplains and governors of prisons, the Judges and others engaged in the administration and execution of our criminal laws, were consulted, it would be found that the chief causes of the offences which filled our criminal gaols, were idleness and self-indulgence—an indisposition to continuous industry, and a disregard of the practice of self-control. These were the remote, if not the proximate, causes of crime. He did not mean to say that idleness picked a pocket, or knocked down a peaceful subject, but he did mean to say that if you would nicely examine the history of crime, and the springs and motives of human actions, you would find that these evils were mediately or immediately the great moving causes of crime; and if you desired to arrest its fearful increase, it must be by the inculcation, as part of our prison discipline, of industrial acts confirmed by industrial habits, by the constant exercise of every prisoner while working out the sentence of the law within the precincts of the gaol.

The criminal population were of the age when idleness in a gaol was most dangerous and most pernicious, and when industry might be rendered most productive and most beneficial both to themselves and to the community at large. Eighty per cent of the criminal population were between the ages of 16 and 45, and forty-seven per cent between the ages of 20 and 35; so that while the majority of the offences of the country were of so trivial a character that eighty per cent of the whole number were atoned by short imprisonments, varying from six months to six days, crimes were committed in the same proportion by the youth and strength, the pith and marrow, the muscle and sinew of the nation. If the House would grant him a Committee, he would prove that by introducing continuous industry and productive employment into our gaols, the culprit might be effectually punished, while he was made to support himself without becoming a burden to the honest portion of the community, as was now the case to the extent of between 30*l.* and 40*l.* per annum for every prisoner, man, woman, and child within the prisons of England and Wales. In opposition to his proposal to render our prisons self-supporting, it had been said that England was a free country, and that prison labour or slave labour as it was designated, would not be tolerated by the people of England. But he contended that hard labour was the best punishment for crime, and when a culprit forfeited his liberty by crime, the forfeiture of all the rights of freedom should accompany the sentence. The State had a right to exact from each prisoner the utmost amount and value of his labour for his own maintenance, and for the payment of the cost which his imprisonment and punishment had entailed upon the nation. The Mosaic law actually required that a thief should be sold into bondage; our old Saxon laws recognised the same principle, and condemned the criminal

to the "thew" work; and numerous were the statutes which, until the separation of the American States from the Crown of England, authorised the gaolers to sell to men-merchants the convicted criminals in their custody, to be conveyed to the colonies, and then to be transferred by deed to purchasers, "their executors, administrators, and assigns." He did not recommend the return to any of these practices, not because he believed they were morally wrong, or that they were beyond the scope of legislative authority to re-enact, but because he believed they were unnecessary, inexpedient, and contrary to the spirit of the age. But to compel criminals by rational means and moral motives to labour for their subsistence, was, in his judgment, both necessary and expedient, and in perfect conformity with the intelligence of the enlightened age in which they had the good fortune to live. In the gaols of Massachusetts, in the United States, the prisoners, out of the produce of their industry, maintained themselves and their keepers, paid for their diet, clothing, and bedding, for the repairs of the prison, and the salary of every officer from the governor down to the lowest turnkey; and by the sale of surplus productions they were enabled to present each prisoner, on his discharge, with four dollars, and a new suit of clothes—to create a sinking fund to liquidate the cost of constructing the building, and to subscribe a considerable sum to that excellent institution, the Boston Prison Discipline Society. He did not introduce this statement respecting the American gaols for the purpose of recommending them as models for imitation in England, but merely as illustrative of the fact for which he contended, and upon the truth of which his proposal must be made to rest, namely, that there existed the means of obtaining such complete power and dominion over the conduct and will of a prisoner, as to evoke into healthy action the full amount of labour and industry he was capable of putting forth, if subjected in gaol to the laws which were propounded in Holy writ without limitation or exception, and were as obligatory upon the bond as upon the free, namely, "by the sweat of his face man shall eat the fruits of the earth;" and, "if any man will not work, neither shall he eat."

In the principal Belgian and French prisons, the truth of these great principles had been made equally manifest, although the system practised in those gaols was worked by very imperfect machinery; they were made nearly or entirely self-supporting by calling into action the productive powers of the criminal inmates.

[Mr. Pearson read extracts from Mr. Rawson's report to the Statistical Society, describing the Belgian prisons, the reports of the Boston Prison Discipline Society, and also the report to the Chamber of Peers in France, from which it appeared that some of the largest prisons in those countries defrayed nearly or entirely the charges of the establishment by the labour of the prisoners.]

He (Mr. Pearson) had said that he did not offer the American system as a model for imitation; he must say the same of the practices pursued in the Belgian and French prisons.

In America, the prisoners were taught a trade in prison, and were employed as artificers, mechanics, and artisans in various handicraft occupations—those branches of industry were in great demand in those States, and they might, therefore, be carried on with comparatively little injury in the market of industry; but that would not be the case in this country. To prosecute handicraft occupations in our gaols to an extent and for a lengthened period, which would be indispensable if you desired to make industry reformatory and remunerative, would be productive of the most serious injury and injustice to the humble and honest artisan engaged in the same pursuits. The Belgian and French systems were equally objectionable, though the objections were of another class. The labour prosecuted in those gaols was principally spinning and weaving woollen, cotton, and silk fabrics. Many of the productions of those gaols were of exquisite texture, and realised considerable profits in competition with the productions of free labour. As these operations were conducted through the instrumentality of contractors, who purchased the labour by public tender, some of the objections to this mode of employment upon the score of the competition of prison labour with free industry, were removed; but there remained one great objection to this description of employment—prisoners required the command of machines to prosecute it on their restoration to society. But without means they could not purchase machinery; and what body of operatives would be disposed to receive into their associations competitors in an already overstocked occupation, who had been initiated into the mysteries

of their art at the expense of the nation, as the means of punishing a life of crime? By the system pursued in the foreign prisons, they often spoiled a good labourer in their endeavours to make but an indifferent workman. Indisposed to return to a life of more severe manual toil, and unable to obtain a living by the art to which he had been in gaol accustomed, the discharged prisoner, often driven by necessity rather than choice, relapsed into a life of crime, and became again an inmate of the gaol. In some of our English gaols, both the American and the Belgian systems prevailed to an extent which introduced the evils of both systems, without the advantages of either. In Pentonville, Millbank, and some other gaols, weaving, shoemaking, tailoring, and other trades, were taught and practised; but the expense of teaching was so much, and the productive labour so little, that while it disturbed by competition the free-labour market in those departments of industry, it did but little in defraying the charges of the prisons, and left them a serious burden upon the resources of the State. More than half the criminals sent to those prisons were mere unskilled labourers. The attempt to make such men tailors or shoemakers fit to get their living, upon their restoration to society, by competition with the skilled artisan, who in youth had acquired the knowledge of his trade, was, in the great majority of cases, a chimerical expectation. You gave them education enough to spoil them as hardworking labourers, but not sufficient to qualify them as skilled handicraftsmen. Their productions while in prison would sell, it was true, but at prices so low that no self-supporting workman could compete with the prison tariff. The consequence was, as the annals of the Mansion House, and other police courts, often showed, that by attempting to make thieves into tailors, you only succeeded in making tailors into thieves; for it was impossible for the most industrious to live honestly, by working at prices so ruinously low as the prisons turned out their work. But if the fact were the reverse of what it actually was, and if by instruction in a gaol for a few months, or a year or two, a criminal labourer could be elevated —by learning at the public expense—into an accomplished artisan, it would be most unjust to reward crime by raising its perpetrator from the power to earn eighteen pence or two shillings a day, and placing him in the social scale upon a footing with the honest workman whose early years as an apprentice had been sacrificed in acquiring the skill requisite to earn double the amount. If he (Mr. Pearson) objected to the American system, and the Belgian and French systems of prison discipline, which were based upon industry and productive labour, and yet insisted upon labour—continuous and productive labour—as essential, indispensable conditions of any sound system combining punitive with reformatory discipline, it might be fairly asked, what was the system upon which he relied to carry out this object? He did not hesitate to affirm that, as the great mass of the criminal population of this kingdom were of the unskilled labouring classes, and were of an age when the greatest power to labour existed, it was to unskilled labour, to hard labour, and constant labour, they must look as the great engine of a punitive, reformatory, and self-supporting system of prison discipline. In making this broad assertion, he did not propose to exclude skilled industry from the business of the gaol; on the contrary, as in every community a proportion of criminals of every trade, and every class, would be found included in the catalogue, he proposed that the utmost amount of each prisoner's powers should be called into action, in the department of industry in which they might be made most profitably available. The criminal shoemakers, the criminal tailors, the criminal spinners and weavers, might all be constantly employed in making shoes, and shirts, and coats for the criminal labourers, who, in their turn, would be employed with equal propriety in raising food for the use of those who clothed them. Even unskilled labourers, during the long evenings of winter, and the days and hours when, from frost and rain, the land was closed against outdoor employment, might be engaged in mending and patching their clothes, or even, if necessary, in making them—a course of industry which, without pretending to send them out to compete with skilled artisans, would, by giving them facilities for useful objects, render them better fit for a life of emigration, and more likely to render them companions of their homes and their hearths, than the haunters of beershops, the common receptacle for the idle, and those who will do nothing, or have nothing to do. But though other descriptions of industrious occupation would find a place within the precincts of a prison farm, it

was to the productive powers of their mother earth they must chiefly look for both the means and the produce of prison labour. He undertook to prove to the satisfaction of any Committee the House might think proper to appoint, that if one thousand convicted criminals, of the average age and strength of any class of prisoners—say those who were under sentence of one or two years' confinement—were placed in a prison upon one thousand acres of land, walled in, they might be made to work the land by means of spade husbandry and garden cultivation—by deep digging and trenching, combined with the abundance of manure which the refuse of the establishment would afford, so as to yield a produce of bread, meat, potatoes, and oatmeal, sufficient, by the coarsest and plainest fare, to sustain the hard-working prisoners to the complement of health and strength requisite on their discharge, to enable them to maintain themselves as honest labourers when thrown upon their own resources, by their daily toil, to gain their daily bread.

The experience of a lawyer as to the productive powers of land, when subjected to the continuous industry of man, would in that House pass for no more than it was worth, although it should be remembered that Tull, who had done more for agriculture than any other man, was himself a lawyer. He (Mr. Pearson) could boast of no patrimonial acres, and had no personal or hereditary experience of their productive powers; but he was backed up in the statements he had made by the testimony of above one hundred of the most eminent agriculturists, and of the largest tenant farmers in the land. He had, during the last Christmas agricultural show, discussed this subject at the Farmers' Club, of which they were pleased to elect him a member; and having sent printed letters to above 400 of the most eminent members of the club, scattered over all parts of the country, requesting to be informed as to the powers of the land to produce the specified supplies, calculated by the standard of the existing prison dietaries, he had received answers, giving in detail the proper rotation of cropping, the mode of treating the land, so as to tax it to its highest productive powers without exhaustion, and showing the quantity of labour it could be made profitably to absorb, and the amount of produce it might be made to yield. The conclusion at which they had arrived was, that the land, combined with labour equal to 500 labourers, with the manure of the establishment, might be made to produce wheat, oats, potatoes, and meat sufficient for the consumption of the whole establishment, prisoners and keepers, and leave a money surplus variously estimated at from 1,500*l.* to 4,000*l.* per annum towards the interest on the outlay, and the wages of the establishment.

Labour on land might be recommended as the best occupation for criminals, because it did not interfere unjustly with free labour; for there was no dogma of political economy, no canon of our social institutions, which could forbid an establishment of criminals from making their own clothes and their own food, to relieve the taxpaying portion of the community from the burden of supporting them. But this occupation had other recommendations: it was the original occupation of the majority of criminals. The process of digging did not, like handicraft and mechanical pursuits, require a lengthened apprenticeship to qualify persons for profitable employment; a few days' instruction and diligent exertion would soon bring the thews and sinews of a young or middle-aged London pickpocket into harness, and in a few months he would be qualified to wage war with the forests of Canada, or to earn his living as a free emigrant in any part of the colonial world. Labour on land also afforded the best means of noting the quantity of each man's exertions, and it provided work suitable to each man's strength and capacity; for while to punish one man with fatiguing labour, ten, twelve, or fourteen hours out of the twenty-four ought to be employed in deep digging and trenching, other prisoners of impaired strength would be subjected to an equivalent infliction if compelled to work the same number of hours in the lighter employments of husbandry, suited to their inferior strength. Labour on land was, moreover, a healthful occupation, and would enable the conductors of prisons to maintain the prisoners with coarser and less expensive, less stimulating, and less palatable diet, than was required to counteract the effects of the depressing indolence and relaxation superinduced by the unnatural atmosphere of the separate cells in our modern gaols. It would be readily seen that all these calculations were built upon the assumption that there existed means and motives which, if properly called into action, would draw out from the prisoner the full amount of his working powers. He

(Mr. Pearson) was prepared to prove before any Committee the House might appoint, that the entire bodily powers of the prisoners might be evoked by moral means, without the application of the lash, or any other soul-degrading and body-tormenting infliction.

Upon this subject he pretended to be some authority. For nearly the third of a century his mind had been devoted to the contemplation of these subjects; he had sat at the feet of the Romillys, the Benthams, the Mackintoshes, the Buxtons, and the great and good men who had now passed away; he had visited most of our English and many of our Continental gaols; he had read every work upon the subject of prison discipline which came within his reach, and had communicated with many of the distinguished men of the present day in our own and in foreign countries, upon this most interesting subject of social improvement; but above all things, he had enjoyed opportunities, from his official appointments, of studying and observing the criminal character in all its forms and phases. He had filled the office of undersheriff of London and Middlesex during the years 1832, 1833, and 1834, and had thus possessed opportunities of studying these subjects with the aid of the intelligent chaplain and governor of the gaol of the Central Criminal Court, which contained prisoners who had been confined in all our metropolitan and many of our provincial gaols; besides which, for the last nine years he had been City Solicitor, one portion of the duties of the office being, to act as public prosecutor by order of the magistrates within the city of London. Possessing all these combined advantages for judging of the matter in hand, he must indeed be dull of comprehension if he were not some authority as to the mode of dealing with our criminal population; and he had no hesitation in saying that there were few prisoners so fallen in the scale of human degradation as to be incapable of restoration, if subjected to a proper system of punitive, reformatory, and probative discipline. Such a system would blend kindness with firmness, and would couple with moral instruction and religious exercises, continuous labour and industry, called into action by the free will of the prisoner himself, stimulated and sustained in healthy exercise by rendering the duration of his confinement, and the quantity and quality of his diet, dependent upon his labour and conduct in gaol; always taking care that it shall be one fundamental and essential condition of the system, that a prisoner shall have less time for sleep or relaxation—less bodily comforts of every kind—to be purchased by more bodily labour than would suffice to procure a greater amount of bodily comfort for a labourer unconvicted of crime. Such a system as he proposed was in direct conformity with the word of God, and with the dispensations of His will, as they might be read in all his works. He proposed to subject the actions of the prisoner to the government of his own will, moved only by the same motive power that governed all mankind in a free condition. To supply men's daily bodily wants, and to make some provision for future independence, were the mainsprings of human action. "If any man will not work, neither shall he eat," was the Divine law by which the universal world was to be governed; and yet, without producing any patent of exemption from its obligation, the criminal class were permitted to evade its injunctions, and to cast the burden of their maintenance upon the honest, industrious portion of the community. This absurd and wicked mode of dealing with the criminal class, prevailed to a considerable extent in all our gaols; so much so, that while the expense of maintaining our prisoners in England and Wales amounted to upwards of 450,000*l.* per annum, exclusive of the enormous cost of the mansions in which they reside, their entire productive labour did not exceed 20,000*l.*, and the greater part of that sum was realised in the Government and metropolitan prisons. It appeared by the Prison Inspectors' Returns that at the model gaol of Reading, while the annual cost of each prisoner, besides the expense of his palace residence, was upwards of 30*l.*, his productive labour only amounted to 2*s.* 8*d.* for the entire year's work, which the magistrates say is not enforced, but only allowed for the prisoner's recreation and relaxation from his mental and moral studies. In support of the position which he had assumed, he (Mr. Pearson) could adduce high authorities: the philanthropic Howard, Archdeacon Paley, and Archbishop Whateley, were in favour of stimulating the mind and body of prisoners to healthful and vigorous action, by rendering their position in prison, and their future release, dependent upon their conduct and industry, while suffering the sentence of the law. Archbishop Whateley had said with equal beauty and truth, that if the prisoner

had even no labour but a treadwheel, and the duration of his captivity were made dependent upon the number of thousands of revolutions he would daily make, a disposition to labour would be excited, for he would feel that every step he took was a step towards liberty; and if digging were his employment, he would dig with a hearty good-will, feeling that each stroke of the spade was the means, and the only means, of cutting his way out of prison to a state of freedom. But they had not only the judgment of philosophers, who had reasoned from the nature and constitution and natural dispositions of man, in favour of these views; but they had abundant practical experience to justify their conclusions. America, and Belgium, and France, as had been stated, were exponents of the principle, although the details of the means by which they brought it into practical operation were imperfect and defective, and admitted of great improvement. Captain Maconochie had at Norfolk Island systematised the principle, in a manner which had been eminently successful, even with such unpromising materials, and with such limited powers as had been placed at his command. He (Mr. Pearson) humbly and respectfully, but firmly and confidently, asked leave to co-operate with Her Majesty's Government in their avowed determination to endeavour to discover an improved system of secondary punishment. If they would give him a Committee, he pledged himself to show that they might solve the problem with certainty and success; and he called upon the present Government to lead the van in this important movement in the improvement of penal science, which it was worthy of the Government of this great nation to undertake. Her Majesty's Ministers were at liberty to call his declaration by the name of presumption, or any other name they pleased; but if they would give him a fair and impartial Committee, he would stake his seat in that House on the result of the Committee's report. If they did not report the plan to be practicable as a most valuable and important agent of prison discipline and social progress, he would resign his seat, confident that the measure had failed, not from its own defects, but from the defects of the humble individual who had been chosen as its exponent and advocate by a constituency which, for numbers and intelligence, was surpassed by few, if any, in the nation.

It had been assumed by some persons who were willing to admit the economy and efficiency of the system he proposed, that the construction of the prisons, and the purchase of the land for carrying it into execution, would entail upon the public a large original outlay. Nothing could be more unfounded than such a supposition. It was the unnecessary beauty, and strength, and ornament, and comfort, and convenience of existing prisons, that created such an enormous cost. There was no necessity for a palace like Reading, or a fortress like York, to immure the petty larceners, and vagrants, and pickpockets, and misdemeanants, who crowded their gaols, and were more likely to break lamps or windows to get into them, than to break walls or bolts to get out. He undertook to prove, by the evidence of the most eminent architects and the most experienced contractors, that a prison for one or two thousand prisoners might be erected sufficiently strong to ensure perfect safety, and sufficiently large and convenient for the purposes of health, with chapel, workshops, and apartments for the keepers, and separate sleeping rooms for every prisoner, at 40*l.* each. A wall round the land might be erected as lofty and as strong as the wall round Millbank Penitentiary, at an expense, for 1,000 acres, of 45,000*l.*, and of course for a larger quantity at a proportionately smaller sum. At 40*l.* per acre, agricultural land might be purchased in the open market, fit, with the amount of labour and manure, to produce in rotation every species of grain, root, and grass crops; so that, upon this calculation, the cost of a prison for 1,000 prisoners, including land enough, combined with labour, to support the establishment, would not amount to anything like half the cost of each prisoner's lodging only at Millbank or Reading, without any land, either for healthful labour or productive use. He (Mr. Pearson) should call upon the Government to relieve the counties altogether from the expense of convicted prisoners, by themselves erecting labour gaols for their reception. There were many thousand acres of land near to the great trunk railroads, belonging to the Crown, that did not produce a shilling per acre per annum, though they were of a staple quality equal to the highest powers of production, if properly drained and cultivated by the spade in the way proposed. The Legislature had recently passed an Act, taking from larceny the punishment of transportation. The effect of this enact-

ment would be to fill to overflowing all existing gaols; and, if they were to be enlarged, or others built to meet the increasing demand for prison accommodation, and the Reading system were adopted as a model, the first outlay cast upon the countries would far, very far, outweigh the cost of construction which the self-supporting prisons would entail upon the nation.

Upon these various grounds he was, he contended, entitled to expect Her Majesty's Government would consent to a Committee to inquire into the whole subject of prison discipline, in connexion with the plans he had submitted for consideration. He, however, perceived from the silence of the hon. Baronet the Secretary of State for the Home Department, that it was not his intention to grant a Committee. He (Mr. Pearson) should therefore take a course which under other circumstances he would desire to avoid: he should open somewhat at large his objections to the existing systems of prison discipline, which he believed had caused the increase of crime—not only the demoralising system of unrestricted association which had prevailed in English gaols, but the lazy, idle, luxurious system practised in the Reading gaol, recently established under the auspices of Government, to serve as a model for county gaols and houses of correction, throughout the country. The enormous expense of original outlay, and of annual charge which the universal adoption of this cellular system would entail upon the country, afforded in itself an available objection; but he confessed that if it could be proved that it operated as a reformatory agent, through the instrumentality of religious conversion, he should consider that the increase of expense would be outweighed by its beneficial results; but he was prepared to prove that this was not the case; that the supposed subjects of religious conversion—however specious appearances at the commencement might have been—had not stood the test of temptation when returned to society. The cellular system, from the bodily comforts it afforded, was, moreover, attractive to criminals at large. It appeared by a comparison of the reports of the chaplains of Newgate and Reading, that the recommitments from other gaols in the former prison, was not greater than in the latter, although Newgate might be considered as the common receptacle of the crime of the nation; and although from the circumstance of its being a mere transit gaol for untried prisoners, it was impossible to maintain in it a discipline equally stringent to that which could be upheld in county gaols. The great corrective principle sought to be maintained in Reading gaol was solitary reflection, combined with religious instruction by means of scripture reading, if the prisoner could read on entering the prison, or if he remained there long enough to learn. The system inculcated and practised at this prison consisted of education, reading, writing, and arithmetic, religious instruction, separate reflection, knitting stockings, and other amusing work for those who liked to engage in a light occupation, to relieve them from the fatigues of study, and the tedium of ennui, idleness, high diet, enervating warmth, and ten hours' sleep. As to their diet, to use the language of one of the magistrates, some of them ate till they were ready "to burst." By way of illustrating its character, he might say from his own observation, that the bread was of the finest description, and the quantity weekly given to the prisoners was twice as much as that given to the first-class paupers in the opulent parish in which he was then speaking. [The hon. Member then read extracts from the visiting magistrates' evidence before the Committee in the Lords, and copies of thep rison regulations, showing the manner in which the prisoners spent their time at Reading, and pointed out the injurious effects, mental, moral, and physical, which, he believed, the system must necessarily produce.] He said it evinced but a slight knowledge of the human heart, to assume that stone walls with bolts and bars could shut out sinful thoughts, which in the mind of a depraved and profligate prison population would be found struggling for the ascendancy—if accompanied with luxurious indolence and the hours of dreamy sleep, with the other creature comforts with which the prison abounded. Solitude had its vices, as well as society; and no medical work upon prisons could be consulted, but referred to prisons as the hotbed of vices which could be read in the countenance and appearance of the victims of the solitary system. If the separate system were applied with parsimony and severity, idiocy or lunacy would be the consequence in many cases; if applied with liberality, as at Reading, the expense would be enormous, and the enervating influence upon the habits of the prisoner would be detrimental to him when sent back to the world to get his

living by the sweat of his brow; but it was possible to combine severity with expense, as had been proved at Reading, for there was now in Bedlam a lunatic, who had enjoyed all the bodily luxuries of that prison, whose mind had been broken down under the system of mental infliction which there prevails, apparently from the want of those mitigating means of association which the strongest advocates of the system say should be applied so soon as the symptoms of mental decay exhibit themselves in any one subjected to cellular confinement. His (Mr. Pearson's) objections to the system were various under its various aspects; it was always unnecessarily costly; it was always injurious to the physical condition of the prisoner, and destructive of the habits of labour upon which he could alone depend for an honest maintenance on his discharge. By the reverend chaplain himself it was admitted to be utterly useless, and worse than useless, as a reformatory agent upon prisoners confined for less than three months —a class of offenders which constituted the great bulk of their prison population. But even upon prisoners for a lengthened period the effects of this process of reform appeared to be of the most transient description: out of the 3,000 prisoners who had been subjected to the new treatment in Reading gaol, for a greater or shorter period, only three had been introduced to the world by name, as selected specimens of the reformatory effects of the system. These three prisoners had been subjected to eight or ten months' imprisonment, and had profited to such an extent by the religious instruction they had received from the excellent chaplain of the prison, and by their mental studies in the quietude of their cellular retirement, that they had committed to memory the New Testament as far as the Ephesians, and had written themes upon religious subjects illustrated by parallel texts from the Old and New Testaments, and had, in fact, rendered themselves complete peripatetic concordances. These young men had the remainder of their sentences commuted by the visiting justices on account of their thorough reform, and great proficiency in the studies of the gaol: good places were procured for them on their discharge, and they were chronicled to the world in the bulletins at subsequent sessions, as standing stedfast in their reform. But, alas! a reformatory conversion, produced in a hotbed of idleness, could not withstand the rude assaults of external temptation: two have been returned to Reading to conclude their course of study, and the other has fled the country on a charge of felony. He (Mr. Pearson) did not mean to say that many of those who had passed through the prison were not now living in the pursuit of honest industry: that fact might happily be predicated of a large proportion of those who had been the inmates of every gaol in the kingdom; but he contended, that in this respect the Reading system was less likely to prove successful than other prisons where the practice of hard labour and well-regulated employment were enforced. The lazy cellular system was directly contrary to the laws of God; it was contrary to the laws of nature, and even to the laws of the land in which it was now being carried into operation. Upon what principle was it that there was no hard labour provided in the model prison, when the statute of the 4 George IV., c. 64, required that in every gaol there should be hard labour provided? The Act, moreover, required that in every prison in this country, where hard labour was not a part of the sentence, the prisoner should be made to labour towards his own support. The enforcement of hard labour was not permissive, but obligatory. Now, the prison inspectors had reported to Her Majesty that there was no treadmill, nor anything approaching to the hard-labour system, in the Reading gaol. The number of prisoners, whose names were on the printed calendar as having been sentenced to imprisonment in Reading gaol, with hard labour, from 1844 to 1849, was 1,625; and yet in that gaol the provisions of the statute were utterly disregarded. Notwithstanding the inspector's report, the Home Office had taken no steps to enforce obedience to the law. Many of those prisoners had been committed again and again to the soft and effeminate indulgence of that gaol. Who could say, if the law had done its office to those individuals, that the county would have had again to pay for their support while suffering imprisonment? If they had not been reformed, they might have been deterred, by the severity of the punishment, from subjecting themselves to it a second time. He thanked the House for having afforded so patient a hearing to a long address upon a very unpromising subject. His presence in that House as the representative of a large constituency, anxious to see the principles of a reformatory self-sup-

porting system of prison discipline receive a fair trial, under the authority of a legislative enactment, must plead his apology for the pertinacity he had manifested in pressing his opinions upon the attention of the House. Had it not been for his advocacy of these opinions, he should not have found favour with the constituency of Lambeth; for he had distinctly told that independent body of electors, although he should maintain by his votes the consistency of his early political opinions, he should take no active share in the party discussions which at times agitated the House. Had it been his fortune to have attained a seat at an earlier period of his life, the excitement of young ambition might have tempted him to peril the breakers of that stormy sea. His only desire now was, that the remnant of his public life should be devoted to the improvement of their social institutions; and he knew of no object more worthy of a man's best efforts than the endeavour to devise and establish a sound reformatory system of prison discipline. The noble Lord at the head of Her Majesty's Government had, in his address to the electors of London, stated, that one of his objects in taking the reins of Government was to endeavour to solve the difficult and important problem of secondary punishment and prison discipline. He (Mr. Pearson) had sought a seat in Parliament to co-operate with the noble Premier in endeavouring to solve the important question. Having devoted more than a quarter of a century, with extended means of information possessed by few, to the consideration of the question, he thought he ought not to be deemed presumptuous in imagining himself capable of contributing his contingent of facts and opinions to aid in its solution. He again repeated, that he felt confident a sound system might be devised, founded upon the principles propounded by Howard, and practically illustrated by the experience of the prisons in America, France, and Belgium, and improved by the additional light and knowledge which subsequent inquiry had cast upon the subject. Let them deal with a man in gaol according to the same precepts of religion, and the same laws of political economy, by which he was governed in a free condition. Let him have nothing but water and coarse bread until he had earned better fare by hard and continuous labour, except in cases where from age, infirmity, or sickness, a just exception might be made to the otherwise edict of the divine law, that if "a man will not work, neither shall he eat." The number of criminals would then be soon reduced by the operation of a system which would prove itself at once punitive, reformatory, and economical. Stimulate convicted prisoners by adequate motives to habitual labour and industry—by making the quantity and quality of their food and the duration of their imprisonment dependent upon the gravity of their crimes outside the prison, and by their conduct and the amount of their work and labour within it—they would be found as a class able and willing to provide themselves and their keepers with food and clothing, without unjustly interfering with the rights of free labour, and without subjecting the revenues of the nation or the rates of the county to one single shilling of expense. The hon. Gentleman concluded by proposing his Motion.

Motion made and Question proposed—

"That a Select Committee be appointed to inquire and report upon the practicability of establishing an uniform system of Discipline, punitive, reformatory, and self-supporting, to be applied to all persons sentenced to imprisonment for crimes."

Mr. OSBORNE seconded the Motion.

Sir G. GREY gave every credit to the hon. Gentleman for the attention and pains which he for many years had bestowed upon this subject; and he hoped the hon. Gentleman would not suppose, because he did not assent to the Motion without requiring the hon. Gentleman to make a speech, that he at all undervalued its importance. With many of the opinions which the hon. Gentleman had expressed, he (Sir G. Grey) perfectly agreed, and he had no doubt they would meet with the concurrence of all persons who had had their attention called to prison discipline; but from many other opinions delivered by the hon. Gentleman he entirely disagreed. If the House were to enter upon an inquiry according to the terms of the resolution, the Session would expire long before their investigation could be brought to a close. If any inquiry were to be instituted into the existing system of prison discipline, it ought to be of a much more limited and specific character than that now proposed. It was true, by the important alteration which the hon. Gentleman had just made, he excluded from his inquiry the prisons at Millbank, Pentonville, and Portland, and also the hulks, which were appro-

priated to persons sentenced to transportation. These the hon. Gentleman now left out, although a great part of his speech did apply to those prisons. The hon. Gentleman dwelt upon the importance of penal labour as connected with imprisonment, and contended that we ought not to allow prisoners to remain in a state of idleness, which was the practice under the old system. Before the great experiment which had recently been attempted to be carried into effect, prisoners were associated together without any order, decency, or control, and were allowed to spend their time in complete idleness, without anything approaching to a good system being adopted, whether in a moral, a social, or a religious point of view. But the hon. Gentleman had not done justice to the great improvements which had been introduced in recent times in the system of prison discipline. In the latter part of his speech the hon. Gentleman advised a uniform system in the erection of prisons, and also some uniformity in the cost. In a resolution which the hon. Gentleman had moved elsewhere, he stated that there ought to be no needless expense in the construction of a prison; that not one shilling should be expended on the beauty or ornament of the building, but that all that was required was convenience and security, and such arrangements as were necessary to health. In that opinion he (Sir G. Grey) entirely concurred; and if these things had not uniformly been attended to, the fault was not with the Government, which had no controlling power over the expenditure beyond that which was involved in the approval of the plans. The hon. Gentleman had referred to a passage in the report of the inspector of prisons for the northern district, containing an extraordinary statement, which he (Sir G. Grey) could neither verify nor contradict, to the effect that a portion of the prison in York had recently been enlarged at an expense of 1,200*l.* for each prisoner. Now, he understood that the part of the prison to which the hon. Gentleman's reference applied was built 25 years ago, before the introduction of the modern improvements, which had tended rather to reduce than increase the expense of erection. [Mr. PEARSON said, he had quoted the passage from the last year's report, which said "recently."] He repeated that he understood it was built 25 years ago. The hon. Gentleman had also alluded to the increase which had taken place in the number of commitments. He (Sir G. Grey) understood him at first, when he alluded to that point, as intending to adduce it as a proof of the inefficiency of prison discipline; but the hon. Gentleman had been candid enough to admit that the increase had been owing to various causes, such as an improved system of police, which had led to the better detection of crime, and to modern legislation, which had constituted various new offences. The hon. Gentleman had fairly admitted that a great improvement in the general state of society had taken place. Therefore, the inference, if any, which should be drawn from the statistics quoted by the hon. Gentleman, was rather in favour of the efficiency of the present system than otherwise. The hon. Gentleman had left the House in the dark as to the system which he proposed for the prisons with 1,000 prisoners, which he wished to see erected. When he complained of the system at present in operation, and when he spoke of the expense which was incurred in the erection of existing prisons, he ought to have given the House a little more information about the accommodation of the prisons which he proposed to erect, and whether all the prisoners were to be furnished with separate sleeping places — as almost all persons who had studied the subject considered to be indispensable—or whether the prisoners were to be forced to associate together day and night. The hon. Gentleman stated, that in these days we thought only of the comfort of the prisoners, and he had drawn a picture of a prison which was extremely well regulated. He (Sir G. Grey) had not, like the hon. Gentleman, had an opportunity of seeing that prison, and he was not prepared to say that Reading gaol was perfectly administered; but he must say, from his experience of the prisons on the separate system at Pentonville and elsewhere, that he believed no system was so effectual both for the repression of crime and the improvement of the criminal. The hon. Gentleman had also affirmed that the philanthropic Howard had never contemplated the adoption of the system of separate imprisonment. He (Sir G. Grey) would read a passage from the third report of the inspectors of prisons, which contradicted that opinion. [Here the right hon. Gentleman quoted the passage to which he referred, and also an extract from Paley's *Moral Philosophy*, showing that he too

was in favour of the separate system.] He quite agreed with the hon. Gentleman, that there ought to be labour associated with imprisonment; and he believed, in every well-regulated system of imprisonment it was so. No doubt it would be a great advantage to have a sufficient space for the occasional employment of prisoners in the open air; but when the hon. Gentleman proposed to have 1,000 acres appropriated to spade labour for the prisoners, he (Sir G. Grey) must appeal to the county Members whether they were prepared to build prisons in every county of the kind which the hon. Gentleman had described? He certainly considered that the first outlay for such buildings would form a serious obstacle to the general adoption of the hon. Member's plan, whatever its results might be as regarded industrial labour—respecting which, however, he was not so sanguine as the hon. Gentleman. With respect to the profitable employment of prisoners, he begged to tell the hon. Gentleman, that, in the Government prisons, the practice was to do precisely what the hon. Gentleman had recommended, namely, to cause the tailors to make the clothes, and the shoemakers to make the shoes, of the prisoners, so as to prevent the necessity of paying for that work out of doors. No doubt there was considerable difficulty in finding profitable employment for prisoners, without interfering with the industrial occupation of others; and that was a very formidable objection to the scheme of the hon. Member. With regard to that plan, he begged to say he did not see what a Committee was to inquire into. He was not prepared to say, that an inquiry might not usefully be instituted into the system of prison discipline. An inquiry into that subject had taken place before a Committee of the House of Lords not long ago. There had been inquiries at previous periods from time to time into the same subject; and he was not prepared to express a final opinion that another inquiry might not be instituted with advantage; but he objected to inquire into a speculative plan like that proposed by the hon. Member. When the hon. Gentleman talked of stimulating the minds of the prisoners by means of compulsory labour—or rather by labour which in one sense was not compulsory, because it was the result of their own will—he (Sir G. Grey) presumed he meant the system advocated by Captain Maconochie, of substituting labour sentences for time sentences. The Government were at one time anxious to introduce that principle; but, after communicating with persons whose opinions were entitled to great weight, they found there were very obvious objections to the adoption of any alteration of the law on that subject. The plan of labour sentences was founded on the supposition that all ablebodied men were capable of performing the same amount of labour, whereas it was obvious that that must necessarily vary with the health, skill, age, and physical circumstances of each individual, which it was impossible for any judge to know at the time of passing the sentence, so as to enable him properly to apportion the punishment upon each prisoner. Now, under the existing system, the sentences both of persons transported and persons imprisoned might be abridged in cases of good conduct, without involving the obvious difficulties he had pointed out. He repeated, that he did not see what advantage was to be gained by appointing a Committee to inquire into the hon. Gentleman's plan, because it was not a matter of fact which could be settled by a Committee. A prison of the kind described by the hon. Gentleman might cost double the amount in one situation from what it would do in another. The price of a site, for instance, would be materially affected by being near a large town, and the price of building materials in one place might be higher than in another. The hon. Member was mistaken, also, in assuming that every acre of land would produce the same amount of profit. In these circumstances he did not think that so far as the hon. Gentleman had developed his plan, he had made out any case to justify the House in appointing a Committee to inquire into the plan and estimates which he proposed to lay before them. With respect to the existing system of separate imprisonment, he believed that the more it was inquired into, the more efficient it would be found; for, although it would require to be watched with great care and vigilance, it was a system which had not only been recommended by persons of great philanthropy and enlightened and enlarged views, but by experience. The hon. Gentleman had talked of its expense; but the fact was, that the expence of erecting a prison with separate cells and sleeping places was not materially higher than the expense of other prisons. In the diet of the prisoners there might be additional expense. He

understood the hon. Gentleman to advocate only such diet as was necessary for health, and nothing beyond, and to contend that there should be nothing attractive in a prison; and he agreed so far with the hon. Gentleman; but it should be borne in mind, that when a man was shut up in prison he did require more to sustain him than when he was in the open air and following his usual occupations. The dietaries in force were adopted after considerable inquiry, not by himself, but by his right hon. predecessor in office, the Member for Ripon. In several cases they had been dispensed with, and lower dietaries adopted on the recommendation of the magistrates, when those lower dietaries were found consistent with the maintenance of the health of the prisoners; and certainly beyond that point the dietaries ought not to go. Consistently with the maintenance of health, which was an object always to be kept in view, the more severe the punishment, and the more distasteful it was rendered, the more likely was it to deter from crime; and the next object was the reformation of the criminal. With respect to separate imprisonment, the right hon. Gentleman, in addition to the other authorities he had quoted in its favour, here referred to the authority of Sir S. Romilly; and in proof that it was not calculated to produce insanity, he referred to the report of the inspector of prisons in the western district, contending that it did not tend more to that result than any other system of imprisonment. The hon. Gentleman had alluded to a prisoner at Reading, who, he said, had insanity brought on by his imprisonment; but it did not follow that that individual might not have become insane by imprisonment in any other gaol. The hon. Gentleman had made an attack on Reading gaol, and had observed that the recommittals to that gaol proved the inefficacy of the system adopted; but he (Sir G. Grey) would read a statement on the subject, made by the chaplain of Reading gaol:—

"I will first disprove the statement by correcting the table given by Mr. Pearson, and then by referring to some facts which contradict the representations made. In the eighth page of the Synopsis we have a table which gives the number of commitments during eight years; and, taking the average of the first five years, we observe 1,078 under the old system—taking the four succeeding years under the separate system, the average is 990. But from the last number must be subtracted 65 convicts, committed from different parts of the kingdom, and sent by Government to be subjected to the discipline of the Berkshire gaol. Again, the new class of criminal debtors, sentenced to imprisonment by the county courts, amounting to 48 during the last two years must be deducted, and thus the average number under the separate system is 962, being an annual decrease of 116. Mr. Pearson says the adoption of the system has led to 'numerous committals.' A very indefinite expression! and, reverting to the diminution I have noticed, certainly as strange and unwarranted an inference as could have been deduced. The separate system at Reading has lessened the number of committals by 116—more than 10 per cent—therefore, the separate system attracts!"

That rev. gentleman referred to the report of the inspector of prisons for the northern district, who stated—

"On the general subject of recommitals, it may be remarked, that the present mode of ascertaining the proportion of recommitted prisoners is very unsatisfactory; and, moreover, that this proportion, even if correctly ascertained, affords but little indication, unless others be also taken into account, of the comparative efficacy of the system of discipline in different prisons, in reforming offenders, or deterring from crime. At present, some of the worst prisons have the fewest recommitments."

He (Sir G. Grey) would not read other extracts which went to prove, what many Members in that House acting in their magisterial capacity, were able to bear testimony to, that there was a tendency in the separate system to prevent recommittals; and at that late hour he would not go more fully into the subject. He must, however, say, that whatever system was adopted, it ought to be a deterring system; and he thought that this object was better attained under the system coming now into operation through the country — namely, the separate system, than under any previous system which had existed. If the hon. Gentleman intended to substitute the prisons he had spoken of for the existing county prisons, an enormous expenditure would be occasioned. What would the hon. Gentleman do with untried prisoners? The hon. Gentleman's system was applicable to tried prisoners; but there must also be prisons in which persons committed for trial could be kept, and these added to the others would entail a very heavy expense on the counties. Having stated the grounds on which he thought that the general Motion of the hon. Gentleman should not be adopted, he would add, that if there were a wish on the part of the House to have a Committee of Inquiry next Session respecting the building of prisons and the treatment of prisoners, he was not prepared to say that he should have any objection to its appointment.

Since he had been in the House, he had received information from a friend of his, a magistrate of Berkshire, that, so far as Reading gaol was concerned, the magistrates courted inquiry, not being disposed to shrink fron investigation to the fullest extent, and being prepared to abide by the result, as from their experience they believed that the system adopted tended to diminish crime. Under all the circumstances, he hoped that the hon. Gentleman would not press for a decision of the House on the Motion he had brought forward.

Mr. ROBERT PALMER said, that though he had no connexion with Reading gaol beyond that which arose from the circumstance of his belonging to the general body of the county magistrates, yet, as that establishment had been very much attacked by the hon. Gentleman who brought forward the present Motion, he would state in a few words the view he took on the subject. With respect to Mr. Merry, who had been alluded to, he was most zealous in the discharge of his duty as a magistrate, and he expressed a wish for the fullest inquiry into the circumstances of Reading gaol, stating that there was not a record or an account which would not bear the strictest investigation. He (Mr. Palmer) apprehended that the great distinction of this new system was the separation of prisoners from one another; and when Reading gaol was first built, and that system was proposed to be carried out, he had great doubts whether it would answer; but, having carried on the system now for some time in Reading gaol, he believed that those who opposed it the most when first introduced, were now inclined to believe that it had effected considerable good. The chaplain of Reading gaol could not be too highly praised for his zeal, and for his attention to the prisoners under his charge; and he stated, that greater effect was produced on the prisoners under the new system than under the old. Under the old system twelve or fifteen prisoners were locked up in a ward without any one to overlook them, and the consequence was, they were at liberty to concoct any sort of mischief. Now they were placed in separate cells. And it must be observed there was great difference between separate and solitary confinement. The latter was almost the greatest punishment that could be inflicted; the former, one under which the prisoners could have frequent visits from those who could afford them instruction. He could not but think there were errors in the statement of the hon. Gentleman as to the number of recommittals, and indeed the observations of the right hon. Baronet the Home Secretary seemed to bear out that impression. With respect to the expense of constructing the new gaol, it had been admittedly very great; but it should be remembered that it was built under the advice, and almost superintendence, of the inspectors of prisons —that the contracts were open, and that several architects had competed for the honour and profit of its construction, and that the Committee of Management had the authority of the inspectors of prisons to say that the cost would come to a certain sum per man. The original expense was calculated at 35,000*l.*; but a considerable increase had certainly taken place in consequence of several additions, and of plans for warming and ventilating the building. With respect to the expenses of prosecutions, he could inform the hon. Gentleman that they had been much diminished, and the county rate proportionably lightened. The plan of Reading gaol, and the system adopted there, had been approved of by more than one Government. The hon. Gentleman spoke of the use of hard labour there. Now, it was excessively difficult to determine what different persons called hard labour. When Acts of Parliament specified hard labour, it was necessary of course to inflict it; but he could inform the hon. Member that the treadmill, which had formerly been in use, was now abandoned, and other modes of punishment resorted to. There was no doubt that the prisoners received better diet than many men who had only their own earnings to depend upon; but he had been told that those in confinement, particularly under the separate system, required more food than prisoners under other circumstances.

Mr. BROTHERTON moved the adjournment of the debate, as it was after twelve o'clock, and the subject could not possibly be concluded that night.

Debate adjourned.

The House adjourned at half-after Twelve o'clock.

HOUSE OF COMMONS,

Wednesday, May 16, 1849.

Minutes.] Public Bills.—*Reported.*—Bankruptcy (Ireland).

Petitions Presented. By Colonel Thompson, from Eccleshill, Yorkshire, for Universal Suffrage.—By Mr. Bright, from Linlithgow, for the Affirmation Bill.—By

Mr. Heald, from the Rev. J. Jordan, Vicar of Enstone, Oxfordshire, for a Reform of the Church of England.—By Mr. James Matheson, from the Free Synod of Ross, for the Clergy Relief Bill; and from Stornoway, County of Ross, against the Sunday Travelling on Railways Bill.—By Mr. Ker Seymer, from Charmouth, against the Marriages Bill.—By Mr. Aglionby, from the New Zealand Company, against Convict Emigration.—By Mr. Philip Bennet, from a Number of Places in Suffolk, for Repeal of the Duty on Malt.—From the Guardians of the Woodbridge Union, for Rating Owners of Tenements in lieu of Occupiers.—By Mr. Archibald Hastie, from Paisley, for the Repeal of the Game Laws, and against the Public Health (Scotland) Bill.—By Mr. Mackenzie, from the Parish of St. Ninian's, Stirlingshire, against the Lunacies (Scotland) Bill.—By Mr. Armstrong, from the Burnley Union, Lancashire, for a Superannuation Fund for Poor Law Officers.—By Mr. Heald, from several Wesleyan Congregations in Yorkshire, for the Suppression of Promiscuous Intercourse.—By Admiral Gordon, from Kincardine O'Neil, against the Registering Births, &c. (Scotland) Bill, and Marriage (Scotland) Bill.—By Mr. Osman Ricardo, from Worcester, for an Alteration of the Sale of Beer Act.—By Mr. Hardcastle, from Colchester, for the Suppression of the Slave Trade.—By Mr. Walker Heneage, from Devizes, for deciding International Disputes by Arbitration.

DISTURBANCES IN CANADA.

MR. HAWES appeared at the bar, and, by Her Majesty's command, presented papers relative to the affairs of Canada.

On the question that the papers do lie upon the table,

MR. ROEBUCK rose and said, he hoped in what he was about to do he should receive the pardon of the House, for the matter was of very great importance. The country had naturally been very much excited by the statements that had appeared in the public journals of the previous day; and he, in common with others, was startled by the intelligence. He had since received private information from a gentleman living in Canada, which might relieve in a great measure the anxiety of people who felt that a great colony was interested in the matter; and he hoped he should be excused for bringing that information before the House. The riot, it was well known, arose in consequence of a Bill which had passed both Houses of the Canadian Legislature for compensating persons who had incurred losses during the disturbances in 1837, and subsequently. It was known, also, that there being two sets of population, English and French, returning members to the same house, attempts had been constantly making to lead England to believe that all the questions in dispute were questions not simply of party, but of country or of race, between the French and English. He had in his hand a letter, which, with the permission of the House, he would read, and he had a statement of the divisions in the House of Assembly, and they ought to set at rest any doubt whether this was, as was often attempted to be made out, a question of race:—

Montreal, April 29, 1849.

"My dear Sir—You will no doubt be surprised at the Canadian news. At a time of profound peace the Governor General came down to Parliament to sanction some Bills which had passed the two Houses; among others the Bill which has caused so much excitement among our Tory population. To our surprise, regret, and indignation, not only was the Governor General insulted on the spot by being pelted with rotten eggs on passing in his carriage, but a meeting was got up on the spur of the moment summoned by fire-bells; inflammatory speeches were made, the mob hurried to the Parliament House, smashed the windows, drove out the members, seized the mace, and finally set fire to the building, which was wholly consumed, with our valuable library and all our records. The loss to the province is irreparable, and I fear our credit and character will suffer. The military were got out as soon as possible, but too late to prevent mischief. The ex-councillors adjourned to the Government-house, sat up all night, got magistrates who took depositions, and early in the morning the men who excited the mob were arrested. All now is quiet. There were other outrages on Thursday night; but the rioters were masked, at least the ringleaders, and are not known. I send you the votes of the House. You will see that Lord Elgin is fully sustained by the majority. I have analysed the division for you. In the first division you will find from Upper Canada 16 for Government, against 11; majority 5. All these of course, are British. In Lower Canada, British, 5 for Government, 5 against; French Canadians 21 for Government, 1 against;" that one being his (Mr. Roebuck's) old friend, Mr. Papineau. "On the final division there were 5 of British origin for, and 5 against, from Upper Canada; 14 for, and 10 against, from Lower Canada; of French Canadians 17 for, and 1 against. In a full house our majority would have been even much larger."

So it was even under the present state of things in Canada; and he should be very ready to say that the mode of election and the division of electoral districts was not what it ought to be; and some time or other he would detail to the House the endeavours to manage affairs in that country. The letter proceeded:—

"And yet this factious minority has had the insolence to demand the recall of our noble Governor General, whose just and impartial conduct has gained the affection of the mass of the Canadian people, as the addresses which will pour in during the next few weeks will prove. I want to make you aware of what is going on. Make the House of Commons understand the truth. The city of Montreal address will be signed by two-thirds of the inhabitants, including all the wealth and respectability of the city. The rabble is headed by bankrupt merchants, who have neither stake nor interest in the country, and who, though pretending great loyalty, would be rebels any moment to serve their own purposes. I write in great haste."

No doubt, at the present moment, alarm

was created in Canada and in England, by a notion that "annexation was connected with these riots." At the present moment that was not the case; but he warned the House of Commons, lest they should by an injudicious interference with the conduct of the Government of Canada, and the opinions of the majority as expressed through their own representatives—he warned the House not to interfere with them, lest they should make the question of annexation one which should occupy the minds of the Canadian people. The present House of Assembly was made under the Act of Union—an Act passed much against his wishes and advice, for he told the House of Commons then, as he told it now, that whenever the question of annexation should arise, it would come from the English part of the population. But what he would say was this, that the money which this legislature was about to appropriate was the money of Canada, and not the money of England. It was about to appropriate it at the suggestion of an administration constituted by the votes of the majority of that legislature, and it had the sanction of the Crown. He had asked, on the previous day, whether this was not a Money Bill, which had received the previous sanction of the Crown. He assumed the facts to be, that the Earl of Elgin went out with certain general instructions and certain powers as Governor General. He represented Her Majesty there; and, in that Parliament, no Bill for the appropriation of money could be discussed without there being a Committee, exactly as in the British House of Commons; and the Minister must have come down, and, when he proposed the Committee, stated that he had the sanction of Her Majesty in making that proposal for 200,000*l.* [Mr. HAWES: 100,000*l.*]— 100,000*l.*, for purposes of which Her Majesty was cognisant.

MR. PUSEY rose to order. He exceedingly regretted to interrupt his hon. and learned Friend; but Wednesday being devoted to the business of independent Members, inconvenience would be caused if a debate arose upon Government measures before the first Order of the Day. This question would, probably, draw observations from other hon. Members, who were at issue with his hon. and learned Friend, and so a discussion would spring up which must necessarily occupy much time.

MR. SPEAKER said, there was a question before the House, namely, whether the papers relative to the affairs of Canada should be laid upon the table. The hon. and learned Member for Sheffield was, therefore, perfectly regular. The only mode of effecting the object of the hon. Member for Berkshire, was by a Motion that the debate be adjourned; but such a Motion could not be made or entertained before the hon. and learned Gentleman had concluded his remarks.

MR. ROEBUCK accordingly resumed. His desire was to relieve the public anxiety, which he knew was very great; and he would at once close the remarks which he wished to make if it was the desire of the House that he should do so, for he did not wish to throw any obstacle in the way of hon. Members proceeding with their Bills; but he did assure the House that this was a much larger question than they imagined, and that they ought to take the first opportunity of obtaining all the information that was required to settle the public mind on the subject. He would confine himself as much as he could to a simple explanation of how the matter stood at present; and he hoped that in doing so he should not be supposed to be taking up unnecessarily the time of the House. He believed, then, that when the hon. Member for Berkshire interrupted him, he (Mr. Roebuck) was explaining that the parties who were chiefly responsible for bringing forward this subject were the Ministry of Canada. He could not imagine that the Colonial Office were not cognisant of all the facts of the case: they must have been aware of the state of things in Canada before the appearance of the papers which his hon. Friend the Under Secretary for the Colonies had sent round to hon. Members that morning, and which of themselves showed that the groundwork of this proposition was perfectly well known to the Colonial Office, and that it had their sanction and approval. He (Mr. Roebuck) could not now enter into a discussion whether this Compensation Bill was a right or a wrong measure. When the proper time came he should be quite prepared to justify the conduct of the head of the Colonial Office on that subject; but he did entreat the House to be cautious how they interfered in this matter against the determination and the natural and properly constituted expression of the feelings of the Canadian people. He hoped that the Legislature of this country would not interfere in such a way as to make this question what it was not—a question of

races. With these observations he begged pardon for having occupied the time of the House.

MR. HAWES: Sir, I think it would be extremely inconvenient to raise, at this moment, any general discussion upon the subject adverted to by my hon. and learned Friend. The Government have taken the very earliest opportunity to lay the papers relating to Canada on the table of the House. I have only to-day been enabled to bring up a despatch from the Earl of Elgin, which it is intended should be circulated with the other papers having immediate reference to the events which have lately occurred in Canada; and I, therefore, think that it would not be fair to enter into a general discussion until hon. Members have had an opportunity of reading those papers, which, of course, I have had an opportunity of reading, but which they have not yet had time to peruse. Under these circumstances I hope that my hon. and learned Friend will not think I am acting discourteously towards him if I express my opinion that the House ought to wait until all these papers shall have been circulated, before they call upon Her Majesty's Government to enter into a full explanation of the recent events.

MR. GLADSTONE: I entirely concur, both in the letter and in the spirit, with what has fallen from the hon. Gentleman opposite, the Under Secretary of State for the Colonies; but I am sorry to say that the remarks which fell from the hon. and learned Gentleman the Member for Sheffield are of that nature which I do not think it consistent with my duty to pass over altogether. I do not dispute the rectitude of the intentions of the hon. and learned Gentleman, nor do I deny at all the wisdom of endeavouring to calm the public mind of this country, and to warn individuals, and this House itself, against premature interference either in the affairs of Canada, or in any other public affairs whatever. But I am sorry to say that the hon. and learned Gentleman, whilst he has attempted to dissuade the House from such interference, and warned us against undertaking it, has himself, perhaps unconsciously, done much to prejudge the question —upon which he admits, and which I also feel, we are as yet imperfectly informed. I confess, when the first intelligence of these transactions reached this country, my mind, like that of many others, was deeply interested and deeply excited by it; but a review of that intelligence, imperfect as it is, convinced me that we were not and cannot be in possession of the merits of the case. We are not and cannot be in possession of the grounds necessary to form a judgment, either upon the Rebellion Losses Compensation Bill, or upon the conduct of my noble Friend the Earl of Elgin—a nobleman whose friendship I have had the honour to enjoy from his earliest youth, and of all whose acts I feel the strongest disposition beforehand to form the most favourable judgment. Until we shall be put in possession both of the Earl of Elgin's own despatches, stating the grounds of those proceedings, and likewise of the previous history of the case, and of the principles which may or may not have guided the former acts of legislature, we shall not be able to form a judgment. For this reason, for many weeks past, and indeed so lately as yesterday, I have abstained from putting any question, or taking any part in this matter, which might have a tendency to produce excitement. And now, Sir, I shall endeavour strictly to confine myself to the observation of the rule I have laid down, whilst I notice some words which have fallen from the hon. and learned Gentleman. I shall endeavour to avoid anything that may be in contravention of it. The hon. and learned Gentleman warns this House against interfering with the Rebellion Losses Compensation Bill; and upon what principle? If he gives that warning upon the ground of the imperfect information which we possess, I heartily concur with him; and, for one, I will give no opinion upon the Bill, or upon the conduct of the Earl of Elgin, or the conduct of Her Majesty's Government. But when I hear the hon. and learned Gentleman, not content with warning us against interference now, laying down a principle as the ground of his warning, which principle will be as good when we are fully informed, as it is now, when we are imperfectly informed; and when I hear the hon. and learned Gentleman say, "the people of Canada have been voting the money of Canada, and therefore I warn you not to interfere," I protest against a doctrine which interferes with the supremacy of this country over all imperial concerns. Why, Sir, it might be that England might be at war with some foreign Power, and that some colonial legislature might be found voting a subsidy to that foreign Power. Would that be a reason, because it is a question of the money of the colony, and not the money of this country, against

the interference of this House? I confine myself strictly to this point. I protest against the warning of the hon. and learned Gentleman, and I contend that this House has a perfect right to interfere in all imperial concerns. It is a question of policy, wisdom, and prudence, whether this House will interfere or not; but the fact of the money concerned in this Bill being the money of Canada, will not be, of itself, a conclusive reason against our interference, provided our interference shall seem, upon other grounds, to be called for. Then the hon. and learned Gentleman gives an analysis of the divisions in the House of Assembly, and perhaps he has demonstrated thereby that this question, which now disturbs and agitates Canada, is not a question of race. Again, I will give no opinion whether it is a question of race, or whether it is not; but I tell the hon. and learned Gentleman that the statements he has read do not touch the point at issue. I have read much in the public journals and private communications upon the subject. I have seen a hundred times over the allegation that this question is a question of race. But never once have I seen it stated that it is a question of race in the House of Assembly. The hon. and learned Gentleman may have demonstrated it as not a mere question of race there. Everybody knew that the French Members of the House—the Members of French origin—were in a minority in that House, and that the question of whether this is a question of race was not within the walls of the assembly, but without. That question we shall have to consider when we are in possession of full information; but, in the mean time, I must tell the hon. and learned Gentleman he has done nothing whatever towards elucidating or settling the question. The hon. and learned Gentleman says, that this measure—for I must vindicate the right of the House of Commons, although I will not go one step further—and he says truly—was introduced into the Canadian Parliament with the sanction of the Crown. I apprehend that about that there can be no doubt whatever. Being a matter involving money, it would have been impossible, according to the constitutional forms of the province, to have introduced it without the sanction of the Crown. The sanction of the Crown means the sanction of the responsible Ministers of the Crown. It matters not one rush whether there were previous instructions or not. The responsibility of the Government for the acts of the Earl of Elgin is also unquestioned and undeniable; but the hon. and learned Gentleman must see that, if the sanction of the Crown is required in matters affecting the government of the colony, the very effect of that sanction, so required to be given, must bring them under the cognisance and jurisdiction of this House. I am sure the hon. and learned Gentleman will review the grounds which induce him to think that under no circumstances should there be any interference by this House. I do not enter into the question whether there should be any interference or not; but I protest against alleging these general grounds, which would exclude, at all times and under all circumstances, the interference of this House, and hinder the right and the duty of this House to have supervision over all colonial affairs; although I should accompany the hon. and learned Gentleman all lengths in asserting the principle that our interference ought to be strictly limited to matters that are of imperial concern, and that the discretion of the local authorities ought to be left entire and unimpaired over matters that are not imperial. I, like others, have received this morning papers containing a full history of the previous proceedings in this case; but I have not been able as yet, since I got them, to make myself fully acquainted with their contents. I trust hon. Members will, before arriving at a conclusion upon this question, upon one side or the other, feel it an imperative and solemn duty to examine, with the most dispassionate care, every step of those proceedings; and that they will pass no judgment whatever upon the Executive in the colony, or upon the conduct of Her Majesty's Ministers here, until they have carefully examined the whole of the papers, and endeavoured therefrom to form a wise and dispassionate conclusion.

Sir G. GREY: I should regret if any further discussion were to arise upon this subject, with the imperfect information that we necessarily possess upon the details of these transactions. I do not rise myself to continue the discussion. I only wish to state that I did not consider the hon. and learned Gentleman the Member for Sheffield to deny the right of this House to interfere. [Mr. Roebuck: Hear, hear!] I agree with the right hon. Gentleman in thinking that right is unquestionable. The power which the Crown has of disallowing any colonial act, after it has

received the consent of the Governor General, necessarily implies the right of Parliament to tender its advice to the Crown with regard to the exercise of the prerogative. I really do not think there is any difference between the right hon. Gentleman the Member for the University of Oxford and the hon. and learned Member for Sheffield in their views as to the right of Parliament, although they have expressed themselves in different language. If I had understood the hon. and learned Gentleman to deny that right, I should have felt it my duty to protest against it as much as the right hon. Gentleman. But I only understood him to caution the House of Commons against hastily, and without some necessity, interfering, and not to deny its jurisdiction. I hope, therefore, the discussion will now end, and that it will not be resumed until Parliament is in possession of the fullest information.

MR. GLADSTONE: If I said the hon. and learned Gentleman denied the right of Parliament to interfere, I am not aware of it; but if I did so, I did him an injustice. The hon. and learned Gentleman did not deny the right of this House to interfere. What I meant was, that I did not look to any abstract doctrine he laid down, but to the reason he gave for not interfering, that this was the money of the colony, and that, therefore, they had, upon that ground a right to spend it as they thought proper.

MR. NEWDEGATE hoped the House would not proceed without information. The question was between those who had defended the connexion between Canada and this country, and those who had sought to destroy that connexion. The hon. and learned Member for Sheffield had given M. Papineau's version of the division, and he wished to guard the House against it.

MR. ROEBUCK said, the analysis he had given was of the names as they had voted.

MR. J. E. DENISON thanked the hon. and learned Member for Sheffield for having given the House information which tended to calm the feelings of the country upon this matter. He had also warned the House against any rash and inconsiderate proceedings. This he (Mr. Denison) thought was likely to give an impression to the country that something had occurred in the House which showed a disposition to act in that manner. That would be a very false impression; for nothing had occurred which showed that the House was disposed to act either hastily or inconsiderately.

The papers were then laid on the table.

ASCENSION DAY.

MR. ADDERLEY moved that To-morrow, being Ascension Day, no Committee do meet and proceed with business before two o'clock. He said he saw no reason why the same rule as existed with respect to Ash Wednesday should not be applied to Ascension Day. He was utterly at a loss to see why any distinction should be made between the two days. He trusted, therefore, no opposition would be offered to the proposition.

MR. CHRISTOPHER seconded the Motion.

MR. BRIGHT was afraid he must disappoint the hon. Gentleman in his expectation that his Motion would meet with unanimous approval, for he felt himself bound to oppose it. He would be glad to know where these interruptions to the business of Parliament were to end. Last year they proposed to adjourn, and did adjourn, over the Derby day; and the anniversary of the day on which an unfortunate monarch had been beheaded had often caused an adjournment of the House. This last was intended to allow Members to go to Church, though he believed very few went—he meant on that day. He hoped all Members of the House were disposed to regard the momentous event which Ascension day was understood to commemorate with proper feelings; but he could see no reason why the House should suspend its business on that day. The hon. Gentleman interfered on behalf of Committees. He (Mr. Bright) was on one—a most important one, the Irish Poor Law Committee, and he knew that there were now some gentlemen in town from Dublin to be examined before that Committee, and who would probably be detained here over Sunday if the business of the Committee were interfered with. But he opposed this Motion chiefly on the ground that he did not know where these propositions would end. Different sects had different days which were held important. Next year they might have some other hon. Member proposing some other day as sacred, and on which the House should not sit. The Irish Gentlemen might claim an adjournment for some of their numerous saints, and, for aught he knew, Wales might put in a claim for its patron saint. He should

be glad to hear the opinion of the right hon. Baronet the Secretary for the Home Department on this question. The right hon. Baronet might have conceded the point to the hon. Mover; but he (Mr. Bright) was sure that if he had allowed his own good sense to be his guide, he would have opposed it. He looked upon these Motions as symptoms of growing feebleness in that House, and of a disregard of their duty with respect to the important business of the country.

Sir G. GREY said, that the hon. Member's proposition was originally for an adjournment over to Friday; but he (Sir G. Grey) had told him that Government would oppose it. He had then suggested to the hon. Member the plan taken with regard to Ash Wednesday, which would enable hon. Members who were so inclined to attend divine service. He had added, with respect to the private Committees, that if no inconvenience was expected from the detention of witnesses, Government would offer no opposition to the Motion.

Mr. SIMEON said, he had made up his mind to attend divine service on Ascension day. Members of Railway Committees had conflicting duties, and he called upon the House to reconcile them. He denied that there was any analogy between Ascension day and any day devoted to amusement, or even one consecrated to any human being, however holy he might have been. If the House acceded to the Motion of his hon. Friend, he should be happy to sit on his Committee until six o'clock, if it were necessary.

Mr. BRIGHT suggested that the matter should be left to the Committees themselves. He denied having attempted the analogy alluded to by the hon. Member; he had merely mentioned the cases, to show how the number of holidays was increasing. Ascension day was not generally observed as a holiday.

Motion agreed to.

LANDLORD AND TENANT BILL.

The House then went into Committee on this Bill, when the further consideration of the first clause was proceeded with.

Mr. CHRISTOPHER said, he should object to the words in the clause giving the tenant compensation for the purchase of food for cattle or sheep. The effect of the clause, if adopted, would be to give a facility to the tenant to injure or deceive his landlord if he wished to do so. For instance, the tenant might sell the produce of his farm, and then buy an inferior kind of food for his sheep and cattle, and send in the bill to his landlord to pay the amount. He would propose the omission of the words referring to the purchase of food for cattle or sheep.

Mr. PUSEY said, that he believed the hon. Member objected merely to the form in which the provision was worded, but that he agreed in the principle. He considered this to be a most important provision, and in fact that it was the very corner-stone of the Bill. A power of increasing the quantity of meat produced on a farm, would have the effect of adding millions of quarters of corn to the produce of the country, as all who were familiar with farming proceedings must be aware of. He wished to treat landlords as men of common sense, and he had no fear of leaving it to them and their agents to enter into proper and reasonable arrangements with their tenants. He had adopted the suggestion thrown out on the last day by the right hon. Baronet the Member for Tamworth, to the effect that only such articles of food and manure should be allowed for as were included in the original agreement. He begged therefore to move an Amendment to that effect.

Amendment proposed—

"To insert after the word 'manure,' these words 'or of such articles of food for cattle, sheep, or pigs, as shall be specially mentioned in the said agreements.'"

Mr. CHRISTOPHER repeated his conviction that the clause, even as proposed to be amended, would still leave it in the power of the occupier to deceive his landlord.

Sir R. PEEL said, he thought the words which he had suggested were an improvement, and he could see no objection to their adoption after the principle of the Bill had been once agreed to. He had objected to the words "artificial manures," because it was doubted whether that would include such an article as lime, though it was well known that the greatest improvements were effected in some parts of the country by the use of lime as manure. In the same way with regard to the purchase of food for cattle and sheep, he believed it was admitted that one of the greatest elements in the improvement of agriculture consisted in increasing the number of cattle or sheep fed upon a farm. Supposing that the landlord and tenant were mutually anxious for the improvement

of the soil, and that the landlord had only a life interest in the land, was there anything unreasonable in providing that such an agreement as that proposed should be sanctioned by law, and made binding on the successor to the property? As no claim could be preferred except where an agreement was entered into, and where the articles of food were specifically mentioned, he did not apprehend that any abuse would take place.

MR. ROEBUCK thought it a most dangerous principle that a tenant for life should be allowed to bind his successor for perhaps twelve years, when the incoming landlord might not find his finances in such a state as to warrant those extra expenses. He was fearful that the consequence of such a measure would be unceasing litigation.

SIR R. PEEL said, that the hon. and learned Member's objection was to the principle of the Bill, which had been already agreed to. They were now in Committee, endeavouring to make the Bill as perfect as possible.

MR. J. E. DENISON said that the hon. and learned Member did not appear to know the nature of the measure. If a tenant laid out 1,000*l.* in improvements, the compensation would be paid at the termination of his holding, not by the landlord, but by the incoming tenant; and this practice was already the custom in many counties in England, where it had all the force of law.

SIR W. JOLLIFFE objected to the engrafting on the leases or agreements in Kent, Surrey, and other counties, all these various kinds of manures, in addition to the dressings for which the incoming tenants were now liable by a custom which had all the force of law. This proposal was wholly inapplicable to his part of the country.

MR. S. HERBERT observed, that if there were such customs in the hon. Baronet's county, there would be no reason to enter into such special agreement. The agreement was not compulsory.

MR. PUSEY said that when the tenants had a right, by custom, to compensation for manures and dressings, they would have no claim under this Bill.

MR. NEWDEGATE thought the tenant for life should not have the power to deal with the interests of his successor in the way proposed.

MR. ROEBUCK said, there was evidently every desire on the part of the House to take care that the occupying tenant should be compensated for all that he did to the land; but he saw no provision in the Bill for compensating another party—the owner of the land. It was obvious that a farmer might do great mischief as well as great good to a farm, and he would like to see some means of protecting the owner against any direct injury to his land on the part of the occupying tenant.

MR. PUSEY referred the hon. and learned Member to the sixth clause of the Bill, where such a case as he had referred to was specially provided for.

MR. HENLEY supported the introduction of the words proposed, as being calculated to deal in the most satisfactory way with a most difficult question.

Question put, "That those words be there inserted."

The Committee divided:—Ayes 102; Noes 27: Majority 75.

List of the AYES.

Adderley, C. B.	Jermyn, Earl
Arkwright, G.	King, hon. P. J. L.
Armstrong, R. B.	Langston J. H.
Bailey, J.	Lawless, hon. C.
Barrington, Visct.	Legh, G. C.
Bouverie, hon. E. P.	Lemon, Sir C.
Bremridge, R.	Lennox, Lord H. G.
Bromley, R.	Locke, J.
Brooke, Sir A. B.	Long, W.
Brotherton, J.	Lygon, hon. Gen.
Clifford, H. M.	Macnaghten, Sir E.
Cobden, R.	M'Cullagh, W. T.
Compton, H. C.	Meagher, T.
Crawford, W. S.	Manners, Lord C. S.
Crowder, R. B.	Meux, Sir H.
Currie, H.	Miles, W.
Deedes, W.	Milner, W. M. E.
Duncan, G.	Moody, C. A.
Ellis, J.	Mullings, J. R.
Estcourt, J. B. B.	Mundy, W.
Farrer, J.	Newdegate, C. N.
Fellowes, E.	Newport, Visct.
Fitzroy, hon. H.	Pakington, Sir J.
Foley, J. H. H.	Palmer, R.
Fordyce, A. D.	Patten, J. W.
Fuller, A. E.	Peel, rt. hon. Sir R.
Greene, J.	Perfect, R.
Greene, T.	Pigott, F.
Grenfell, C. P.	Plumptre, J. P.
Grey, rt. hon. Sir G.	Portal, M.
Grogan, E.	Pryse, P.
Haggitt, F. R.	Roche, E. B.
Halford, Sir H.	Roebuck, J. A.
Halsey, T. P.	Russell, F. C. H.
Hamilton, J. H.	Salwey, Col.
Hamilton, Lord C.	Scully, F.
Hardcastle, J. A.	Seymer, H. K.
Harris, R.	Sheridan, R. B.
Henley, J. W.	Smyth, J. G.
Henry, A.	Somerville, rt. hn. Sir W.
Herbert, H. A.	Sotheron, T. H. S.
Herbert, rt. hon. S.	Spooner, R.
Hodges, T. L.	Stafford, A.
Hope, Sir J.	Strickland, Sir G.

Sullivan, M.	Walmsley, Sir J.
Talfourd, Serj.	Willyams, H.
Thicknesse, R. A.	Wilson, M.
Thompson, Col.	Wodehouse, E.
Tollemache, J.	Wrightson, W. B.
Townley, R. G.	
Trelawny, J. S.	TELLERS.
Tufnell, H.	Pusey, P.
Vesey, hon. T.	Denison, J. E.

List of the NOES.

Bennet, P.	Jolliffe, Sir W. G. H.
Broadley, H.	Kerrison, Sir E.
Broadwood, H.	Mackenzie, W. F.
Christy, S.	Mackinnon, W. A.
Cobbold, J. C.	Maitland, T.
Divett, E.	Morris, D.
Dod, J. W.	Mulgrave, Earl of
French, F.	Packe, C. W.
Gore, W. R. O.	Scott, hon. F.
Gwyn, H.	Smith, rt. hon. R. V.
Hildyard, T. B. T.	Stansfield, W. R. C.
Hill, Lord E.	Vane, Lord H.
Hood, Sir A.	TELLERS.
Hornby, J.	Christopher, R. A.
Jervis, Sir J.	Buller, Sir J. Y.

MR. CHRISTOPHER moved another amendment, in effect to allow compensation for farm-buildings for fourteen years. His amendment would be in line 5, after the word "fences," to insert the words, "or by the erection of substantial farm buildings;" and in line 10, to strike out the word "twelve," and instead thereof to insert the words, "as regards such buildings as aforesaid fourteen years, and as regards any such other improvements as aforesaid seven."

MR. PUSEY objected to the amendment, thinking it better to adhere to the recommendation of the Select Committee.

MR. MILES considered that the amendment would place the tenant in tail, in many cases, in very great difficulty; and therefore he should oppose it.

Amendment negatived without a division.

MR. CHRISTOPHER then moved that "nine" years be substituted for "twelve" in line 10, which would have the effect of limiting the compensation to be given for improvements on entailed estates to a period of nine instead of twelve years. The object of the clause was to extend to other parts of the country the custom existing in Lincolnshire; but that custom limited the period to seven years, and in proposing nine years he went further than was customary in Lincolnshire.

MR. PUSEY felt bound to oppose the amendment, and said that in the Isle of Wight, where the Lincolnshire system had been introduced, the period had been extended to ten years, and as that had been found advantageous, he proposed still further to extend it to twelve years.

Amendment negatived.

Clause 2 agreed to.

Clause 3 (Drainage, fences, &c., to be kept in repair),

MR. HENLEY moved some verbal amendments, the effect of which was, that the tenant should not be entitled to compensation for drainage improvements, unless they were proved to be good and efficient in the judgment of the valuers to be appointed under the Act.

These amendments having been agreed to, and the question put that the clause as amended stand part of the Bill,

SIR H. VERNEY said, he considered that this clause would only lead to litigation, and that Clause 5 contained everything that was necessary. He therefore moved that it be struck out.

Question put, "That Clause 3, as amended, stand part of the Bill."

The Committee divided:—Ayes 120; Noes 11: Majority 109.

Clause 4, limiting the time within which claims for compensation, and awards of the same should be made.

SIR J. Y. BULLER expressed a fear that it would operate injuriously towards the incoming tenant to be obliged to pay the money immediately on the making of the award.

After a few words from Mr. PUSEY, the clause was agreed to.

Clause 5, which regulates the appointment of valuers.

MR. CHRISTOPHER proposed, that the third valuer should be appointed by the other two, not by the Inclosure Commissioners.

The ATTORNEY GENERAL said, the necessary effect of this would be, that each party would name a partisan, and the selection of the umpire would be left to chance. By the following clause the award was to be made a rule of court; consequently, it might be set aside on any informality, and all the complicated legal machinery of awards would be introduced into the agreements between landlord and tenant. Attorneys would necessarily be employed to draw up the awards, and great expense would be incurred. He hoped these most dangerous clauses would not be pressed, for their necessary consequence would be to shake all confidence between landlords and tenants.

MR. NEWDEGATE said, the hon. and learned Gentleman appeared only to object

to the award being made a rule of court. If the custom of the country were adhered to as formerly, there would be no difficulty, and the results would be, as they had hitherto been, most beneficial.

MR. PUSEY considered that the present system was open to great abuse, which the clauses in question would remove. There appeared to be no objection to any part of the provision except that which made the award a rule of court.

MR. W. MILES thought it would be better for the arbitration to be conducted by the umpire jointly appointed, or appointed by the Tithe Commissioners, if the parties could not agree.

MR. PUSEY said, the arbitration clause had been very fully considered and unanimously approved by the Committee of a former Session. He could not withdraw the clause without overturning the decision of that Committee.

SIR G. STRICKLAND said, it was quite clear the tenantry of England had had a narrow escape of getting into the Queen's Bench, and they were to be placed in a worse position by the 12th Clause, which referred matters in dispute to the Court of Chancery. He thought the best plan would be for the Chairman to report progress, with a view to the clauses being remodelled.

MR. HENLEY thought, unless these clauses were withdrawn, to report progress was the only alternative. The clauses were not those of the Committee of last year, but of the year preceding; and they had been embodied in a Bill which was thrown out by the House. If the hon. Member withdrew the clauses for consideration, he would also have to consider the bankruptcy laws, as he did not state whether, in case of bankruptcy, the assignee would have to pay the landlord as the landlord now had to pay the assignee.

MR. P. HOWARD was opposed to the reference to the courts, and suggested that Mr. Blamire, the Tithe Commissioner, should have a final decision in disputed cases.

MR. PUSEY said, he did not attach any undue importance to this Bill, but knowing the difficulties under which tenants laboured, and the importance of encouraging the application of capital to land, he could not consent to withdraw the clauses, or postpone the Committee for another month. He hoped the learned Attorney General would suggest some mode of meeting the difficulty, and not throw on him the responsibility of remodelling the clauses.

The ATTORNEY GENERAL said, his objection had been from a sincere desire to improve the Bill; he thought the omission of these clauses would be a decided improvement. He suggested the addition of two or three words to another clause, declaring that the compensation should be awarded as was usual in such cases.

MR. PUSEY was willing to adopt this alteration, and withdraw the 5th and 6th Clauses.

The clauses were accordingly struck out.

Clauses 7, 8, 9 and 10 were agreed to.

On Clause 11 being proposed,

MR. NEWDEGATE proposed to add to the end of the clause the following proviso:—

"Provided always, That no owner of any farm, of which he is not possessed in fee-simple, shall have power, under this Act, by agreement with the tenant of such farm, to render any future owner of such farm liable for any principal sum, by way of compensation for improvements, which shall exceed two years' rent of such farm, according to the annual value thereof at the time of making such agreement: Provided also, that no tenant of such farm shall have power, under this Act, to recover, by virtue of any such agreement, from any future owner, any such principal sum, by way of compensation for improvements, except by seven equal annual instalments; and at the time of the payment of each annual instalment, interest at the rate of 5*l.* per cent per annum upon the whole amount then due shall likewise be paid; and the first of the above instalments and payments of interest shall not be due until one year's rent of such farm shall have been paid to such future owner."

MR. PUSEY hoped his hon. Friend would not press the proviso, which seemed to be based on a misconception that the farmers were so desirous to invest their capital in land that it was necessary to restrain them in every way. That was quite contrary to his experience.

MR. NEWDEGATE considered that malversation would take place if the Bill did not contain such restricting proviso as that which he proposed.

MR. ROBERT PALMER doubted whether the limitation of the liability proposed was a valuable provision in general cases, but he thought it might be desirable to introduce some such proviso in respect of glebe farms.

The ATTORNEY GENERAL said, the proviso would destroy the whole effect of the Bill, for nobody would of course lay out a considerable sum in the improvement of land, if he was only allowed compensation for two years.

MR. NEWDEGATE said, he was willing to extend the time. He would consent to extend it to compensation for four years, though he confessed he thought two years' compensation was the proper proportion.

SIR J. GRAHAM said, the doubt thrown out by the hon. Member for Warwickshire was a doubt with regard to the principle of the Bill, and that was not the time to discuss the principle. He confessed he had doubts about the principle, and if the Bill had been to be compulsory, he would have opposed it. He should wait to see what the Bill was when perfected by the Committee, and he should reserve himself as to how he should vote on the third reading. He could not assent to the amendment proposed by the hon. Member for Warwickshire.

Question put, "That the proviso be there added."

The Committee divided:—Ayes 52; Noes 80: Majority 28.

List of the AYES.

Adderley, C. B.	Lascelles, hon. E.
Arkwright, G.	Lindsay, hon. Col.
Bennet, P.	Mackenzie, W. F.
Boldero, H. G.	Manners, Lord G.
Bremridge, R.	Meux, Sir H.
Broadley, H.	Miles, P. W. S.
Bromley, R.	Moody, C. A.
Buller, Sir J. Y.	Mullings, J. R.
Burrell, Sir C. M.	Neeld, J.
Chaplin, W. J.	Neeld, J.
Cobbold, J. C.	Nugent, Sir P.
Coles, H. B.	Ossulston, Lord
Compton, H. C.	Pryse, P.
Dunne, F. P.	Richards, R.
East, Sir J. B.	Smyth, Sir H.
Farrer, J.	Somerset, Capt.
Fellowes, E.	Spooner, R.
Fuller, A. E.	Stafford, A.
Galway, Visct.	Strickland, Sir G.
Gaskell, J. M.	Tyrell, Sir J. T.
Godson, R.	Vesey, hon. T.
Gooch, E. S.	Vyse, R. H. R. H.
Granby, Marq.	Walsh, Sir J. B.
Gwyn, H.	Wellesley, Lord C.
Halsey, T. P.	Worcester, Marq. of
Hood, Sir A.	TELLERS.
Hornby, J.	Christopher, R. A.
Lacy, H. C.	Newdegate, C. N.

List of the NOES.

Armstrong, R. B.	Damer, hon. Col.
Barrington, Visct.	Deedes, W.
Bramston, T. W.	Denison, E.
Brotherton, J.	Du Pre, C. G.
Brown, H.	Estcourt, J. B. B.
Cavendish, hon. G. H.	Foley, J. H. H.
Christy, S.	Fox, W. J.
Clifford, H. M.	Graham, rt. hon. Sir J.
Cocks, T. S.	Greenall, G.
Crawford, W. S.	Greene, T.
Crowder, R. B.	Halford, Sir H.
Dalrymple, Capt.	Hardcastle, J. A.
Harris, R.	Patten, J. W.
Hastie, A.	Pearson, C.
Headlam, T. E.	Pigott, F.
Henley, J. W.	Pinney, W.
Heywood, J.	Plumptre, J. P.
Heyworth, L.	Portal, M.
Howard, P. H.	Robartes, T. J. A.
Hughes, W. B.	Rushout, Capt.
Inglis, Sir R. H.	Sandars, J.
Jervis, Sir J.	Scrope, G. P.
Johnstone, Sir J.	Sheridan, B. R.
Jolliffe, Sir W. G. H.	Simeon, J.
Kershaw, J.	Somerville, rt.hn.Sir W.
King, hon. P. J. L.	Sotheron, T. H. S.
Lawless, hon. C.	Stuart, H.
Legh, G. C.	Sullivan, M.
Lemon, Sir C.	Talfourd, Serj.
Littleton, hon. E. R.	Thompson, Col.
Maitland, T.	Thornely, T.
March, Earl of	Tollemache, hon. F. J.
Melgund, Visct.	Trollope, Sir J.
Miles, W.	Walmsley, Sir J.
Milner, W. M. E.	West, F. R.
Mitchell, T. A.	Willcox, B. M.
Mostyn, hon. E. M. L.	Willyams, H.
Mundy, W.	Wood, W. P.
Napier, J.	
Packe, C. W.	TELLERS.
Pakington, Sir J.	Pusey, P.
Palmer, R.	Bouverie, hon. E. P.

Clause 12.

MR. PACKE moved the insertion of the words "after obtaining the consent of the landlord in writing."

The ATTORNEY GENERAL thought the clause altogether objectionable. He could not admit that the tenant for life should have power to authorise the erection of whatever buildings he pleased. He could imagine many cases in which such a power would operate injuriously. He knew instances in which a tenant for life would perhaps be disposed to empower the tenant in occupation to erect buildings in front of a mansion.

MR. CHRISTOPHER agreed with the hon. and learned Gentleman in reference to this clause. He considered it to be open to great abuse.

Clause agreed to.

House resumed.

Bill reported as amended; to be considered on Monday next.

WILLIAM SMITH O'BRIEN.

The House having on Monday last sent a Message to the Lords for a Copy of the Record in the House of Lords in the case of Smith O'Brien *v.* the Queen, in Error, a Master in Chancery brought down a Message from the Lords, communicating the following Paper:—

"In the House of Lords.

William Smith O'Brien,—Plaintiff in Error,
and
the Queen,—Defendant in Error.

"Copy of the Transcript, Assignment of Errors, and Rejoinder; together with the Judgment and Tenor of Judgment in the above Writ of Error."

LORD J. RUSSELL said, he had moved that the record of the judgment in the case of William Smith O'Brien be printed; on Friday he should move that it be taken into consideration, and that William Smith O'Brien be expelled that House.

The House adjourned ten minutes before Six.

HOUSE OF COMMONS,

Thursday, May 17, 1849.

MINUTES.] PUBLIC BILLS.—2° Poor Relief (Ireland); Police of Towns (Scotland).

3° Land Improvement and Drainage (Ireland); Accounts of Turnpike Trusts (Scotland).

PETITIONS PRESENTED. By Mr. Alderman Humphery, from Southwark, for an Extension of the Suffrage.—By Mr. Osborne, from a Public Meeting in High Holborn, for Universal Suffrage.—By Mr. Kershaw, from Selston, Nottinghamshire, for the Clergy Relief Bill.—By Mr. Bouverie, from Dumbarton, against, and by Mr. Stuart Wortley, from Burley, Hants, in favour of, the Marriages Bill.—By Mr. James Matheson, from the Island of Lewis, against the Sunday Travelling on Railways Bill.—By Mr. Goring, from Ifield, Sussex, against the Alienation of Tithes.—By Captain Fordyce, for the Abolition of Tests in Universities (Scotland).—By Mr. Brotherton, from the Township of Toxteth Park, respecting the Lancashire County Expenditure.—By Mr. Coke, from Norfolk, for for Repeal of the Duty on Malt.—By Mr. Bouverie, from Fenwick, for Repeal of the Duty on Paper.—From Norwich, for Reduction of the Public Expenditure, and for Reform of Parliament.—By Mr. Hume, from several Places in the Hundred of Diss, Norfolk, for Agricultural Relief.—By Mr. Spooner, from the Trustees of the Rugby Charity, for an Alteration of the Charitable Trusts Bill.—By Mr. Cobbold, from Edmund Jenney and others, against, and by Mr. Aglionby, from the Hundred of Hartismere, in favour of, the Copyholds Enfranchisement Bill.—By Mr. Charteris, from Proprietors of the Eastern Counties Railway, complaining of the Conduct of certain Members of the House.—By Lord Harry Vane, from Lay Members of the Church of England, for the Subdivision of Gainford Parish.—By the Earl of Lincoln, from Falkirk, against the Lunatics (Scotland) Bill.—By Sir De Lacy Evans, from Westminster, for Inquiry respecting the Metropolitan Police.—By Mr. Godson, from the Kidderminster Union, for a Superannuation Fund for Poor Law Officers.—By Mr. Grogan, from Dublin, for Sanitary Measures; also for an accurate Registry of Births, Deaths, and Marriages (Ireland).—By Mr. Duncan, from Dundee, against the Public Health (Scotland) Bill.—By Lord Ernest Bruce, from Marlborough, against the Public Roads (England and North Wales) Bill.—By Mr. Henry Berkeley, from Bristol, for the Abolition of the Punishment of Death.—By Mr. Cowan, from Dumfries, against the Registering Births, &c. (Scotland) Bill, and Marriage (Scotland) Bill.—By Mr. Lawrence Heyworth, from Liverpool, for an Alteration of the Sale of Beer Act.—By Lord John Chichester, from Belfast, for the Suppression of the Slave Trade.—By Lord George Paget, from Holyhead, for an Alteration of the Small Debts Act.—By Sir Joshua Walmsley, from West Leigh, Lancashire, for the formation of Treaties by which International Disputes may be decided by Arbitration.

EASTERN COUNTIES RAILWAY.

MR. DIVETT rose to present a petition, signed by thirty-one of the shareholders of the Eastern Counties Railway. This petition made grave charges against an hon. Gentleman a Member of this House—the representative of Sunderland—in his capacity of chairman of the railway in question. He (Mr. Divett) had thought it to be his duty to send a copy of the petition to the hon. Gentleman whom it implicated. He did not think it necessary that he himself should state the allegations of the petitioners, but their prayer was that the House would cause a full inquiry to be made into the charges which they brought, and in the event of these charges being proved that the hon. Gentleman should be expelled from the House. He had only to move that the petition be read by the clerk at the table.

MR. CHARTERIS said, that he also had a petition to present, signed by sixty shareholders of the Eastern Counties Railway, complaining generally of the mismanagement of the affairs of the company, stating that that mismanagement had commenced almost immediately after Mr. Hudson had become chairman, and Mr. Waddington, also a Member of the House, had become deputy-chairman, and while Mr. Bagshaw, also a Member of the House, had been one of the board of directors. The petitioners prayed for the institution of a searching inquiry into the affairs of the company. The hon. Gentleman added, that he presented the petition without expressing any opinion upon the allegations which it contained.

"Petition of John Spark, and others, complaining of the conduct of George Hudson, esquire, a Member of the House, and Chairman of the Eastern Counties Railway Company, and praying for inquiry, and that he may be expelled from being a Member of the House, *offered*;

"Petition of Proprietors of the Eastern Counties Railway, complaining of the conduct of George Hudson, esquire, and David Waddington, esquire, Members of the House, and Chairman and Deputy Chairman of the Board of Directors, and of John Bagshaw, esquire, a Member of the House, and a Director of the Company, and praying for inquiry, *offered*;"

MR. HUDSON: Sir, I felt it my duty, though labouring under considerable difficulty in consequence of domestic affliction, to attend in my place immediately on receiving a copy of these petitions. I am sure I shall have the kind indulgence of the House while I offer my explanations and observations with reference to these

petitions. If I had been guilty of the practice which is imputed to me, of designedly taking from what may be termed the revenue to the capital without a fair and sufficient reason, I might feel that I had committed an error; but I can assure the House it was not an intentional error on my part. My first connexion with this company was in 1845; I believe in the month of October. I received a deputation bringing a requisition signed by seven-eighths of the shareholders; I refused in the first instance to take upon myself the office of chairman of this company; but after some pressure I did undertake it. Before then I had no shares in the company, no interest in it whatever; I was not connected with it in any way. My sole object in taking the office was to endeavour, if possible, to benefit the shareholders of that company, and to effect some arrangement with the then projected London and York Company. Upon my accession to the office, I devoted myself as anxiously and assiduously to the duties as I possibly could. I believe the first charge is, that I raised the dividend from 3*s.* to 9*s.* the first half year; in one of the petitions presented to the House the following paragraph occurs :—

"That, so far has this system prevailed, that, although in July, 1845, the half-yearly dividend declared was 3*s.* per share, in January, 1846, a half-yearly dividend of 9*s.*, or three times the previous amount, without any change of circumstances to allow of such augmentation, was proposed and carried by the directors, and subsequent half-yearly dividends of 9*s.*, 10*s.*, 10*s.*, 8*s.*, and 8*s.* have been successively made, when, by the report of the accountants of the Committee of Investigation, it appears that 3*s.* 8*d.*, 2*s.* 1*d.*, 5*s.* 10*d.*, 4*s.* 5*d.*, and 2*s.* 4*d.* ought only to have been declared. That the consequences of these false appearances of prosperity have been the indulgence in the most reckless extravagance, the encouragement of schemes of extension and amalgamation which would not otherwise have been thought of, the actual increase since January, 1845, of the capital of the company from 2,908,780*l.* to 10,851,593*l.*, exclusive of the projected amalgamation with the Norfolk Company"—

and so on. It so happens that the market value of shares was higher at the time I joined them than they have ever been since. And the petitioners state most distinctly—I beg the House to mark this, to see what is the correctness of these sixty shareholders—that there was no change of circumstances, no reason why we should go to a dividend of 9*s.*; I think, when I state the facts, the House will agree that that statement is not borne out. In the half year ending July 1845, the gross income was 114,000*l.*; in the half year ending January 1846, it was 173,000*l.*, an increase of nearly 60,000*l.* Surely the House will agree that there was a justification for some increase of dividend. As to whether the dividend declared was the right one, I believe the accountant—the person set to examine the books—states the dividend to be right, except some 11,000*l.* It is a question, I am sure, that no two persons would agree upon—what ought to be carried to capital and what was revenue; and therefore I feel that there is an ample justification for an increase of dividend. But the petitioners state that the capital of the company has been raised from 2,900,000*l.* to 10,800,000. That is not true either. The capital of the company when I joined it was 2,900,000*l.* There was 1,300,000*l.* (and odd) of the Northern and Eastern, which made the capital of the company 4,300,000*l.*, instead of only 2,900,000*l.* Then there was added to it a bonus of 1,000,000*l.*, which made it 5,300,000*l.* Therefore the money actually expended since I had the honour of presiding over that board has been 5,500,000*l.* The income when I joined was 228,000*l.*; last year it was 800,000*l.* I think the petitioners' complaint, that money has been wastefully and extravagantly expended, falls to the ground, when the increase of capital was only about two-thirds, and the increase of income is to four times the amount. There is a statement in the report of that Investigation Committee, as it is called — a committee of which I must complain most strongly from its unfair proceedings: I had no notice, no knowledge of what was passing in that committee; no information was furnished me, except three or four written questions; I had no information that such and such assertions were made against me as an individual. And when I called upon them yesterday morning— I only wish to show the unfair position in which I have been placed—when I called along with a friend to see a document purporting to be in my handwriting, with my figures—stated by them—I had great difficulty first in obtaining a sight of that document; and when I did get to see it, they refused to let it be seen in the presence of any other person; and afterwards they said that two of their body should come into the room to show it me, on condition that I should ask them no questions, and get no information. I do not know what

the House think of the fairness of such conduct; but I am sure there is only one opinion among Englishmen, that it is but fair and just that information should have been furnished me of the specific charges, and that I should have had the opportunity of answering them. But, what will the House think when I state, upon the testimony of myself and two gentlemen, and I believe I might say, hundreds of others, that not one figure, not one mark upon that document is in my handwriting? I totally deny that any such alterations were made by me. The evidence of the accountant goes to show that when alterations were made they were made by the Board itself; and it is only in the report of this Committee that the charge is brought against me of having individually altered the sum of 10,000*l.* there referred to. There might have been reasons, from the stock of materials on hand, and other circumstances, why that direction was given. I am personally charged with making certain marks and figures upon the paper referred to. I doubt, however, whether in my individual capacity I altered it at all. It is stated by the Committee—and I caution the House not to be led away by its statements—that I authorised the carrying of 115,000*l.* from revenue to capital; but I have no hesitation in saying that I did nothing of the kind. On one point the Committee seem to be singularly at fault. I find, on looking at the working expenses of the line, that the published accounts show the average cost of working to be 1,235*l.* per mile—a sum quite ample enough for the purpose; but the report of the Committee raises it to 1,557*l.* per mile—a sum perfectly exorbitant. The average expense of working the London and North-Western is 39 per cent; the Great Western, 40·4 per cent; the Lancashire and Yorkshire, 39·4 per cent; and the Brighton line, 37·8 per cent. This shows the general rate of working charges; but in the face of these facts the Committee will have the public to believe that the Eastern Counties line is worked at an expense of 55 per cent. This is so monstrous and absurd that no one having any railway knowledge at all will for a moment believe it. This is brought forward against me as a grave charge; and, if it were true, I should feel deep regret that I had been betrayed into so great an error; but I think the House will agree with me, that from the manner in which the Committee have reported, and from the animus they have shown, they are not entitled to credit from the House. The petition broadly asserts that I have done all this for the sake of profit. That I totally deny. Let any Gentleman search the share register of the company, and they will find that the amount of stock held by me is the same as on the first day when I joined the company. I have neither bought nor sold; but I am a sufferer to a large extent, and I hold the same stock that I did when I first joined the company. I do not know that there are any other points that call for explanation. I will only remind you that the accountant states distinctly that any alterations made were made by the directors, and therefore the petition ought not to have been directed against me individually, but against the directors, with whom I held a joint responsibility. I was seldom able to attend the meetings of the finance committee. I never signed a check for the company in my life. I merely presided over their affairs, and was anxious to do my duty to the best of my power. I may have taken over sanguine views of this undertaking; but I am a sufferer along with the rest in consequence of those sanguine views; and I am convinced that this undertaking will yet amply remunerate the shareholders when the expenses of management are brought down, as it has ever been my anxious desire to do. I can only say that I throw myself upon the House, and that I am perfectly ready to bow to any decision the House may come to. I am ready and anxious to clear myself from any imputation cast upon me; and I distinctly deny that I have done anything either to enhance improperly the value of the shares, or to give an undue position to them. The House will recollect, that when I joined the company there was scarcely a day without several accidents on the line. It was completely out of order; a large expenditure of stock was necessary for the improvement of the line, and I do not think it was unfair or improper to charge a considerable amount of that to capital rather than to revenue. You will see from a report that has been published this morning that another company has placed 150,000*l.* to capital that ought to go to revenue; and the chairman, instead of being blamed, is praised and extolled. I think that if the House were, by an express enactment, to determine what is capital and what is revenue, what ought to go to capital and what should go to revenue, directors would then have no difficulty, as they would be

guided by strict law; but nothing can be more difficult, or attended with greater anxiety, than the state of matters at present. I recollect a case in which the Grand Junction charged for repairs 14,000*l.* which was taken from revenue and placed to capital. One charge against me relates to the payment of interest; but Parliament itself has sanctioned the payment of interest out of capital. I do not see why one law should apply to the Eastern Counties, and another to other companies. My position has been a most difficult one; but I leave it to the House to deal with the petition as they may think proper. I have no other explanation to give. I repeat that I totally deny that the alterations of the figures which is mentioned in the report were in my handwriting, or that I altered them at all in any way whatever.

MR. WADDINGTON said, it was his most painful duty to have to follow the hon. Member for Sunderland, and he would do so briefly in the observations which he had to address to the House. He should not have thought it necessary to address them if he had not thought some explanation was due from him. In that petition he was charged with being a party to deceiving the shareholders with respect to something like nine millions of money. He availed himself of this opportunity of first calling the attention of the House for one moment as to how those statements made their appearance. They appeared from the report of the investigation committee; and his object in rising was to claim the indulgence of the House to detail a few of the proceedings of that investigation committee as regarded himself, inasmuch as the House had an interest in his character, and in defending him from statements to which he was not a party. He had, however, alluded to this on a former occasion, when a committee of the shareholders made a charge against him, and which a committee of that House was appointed to investigate. He wished now to allude to it, inasmuch as when he recently addressed the shareholders he charged the committee of investigation with having inserted a clause which many of their body looked upon as expunged, and which was obviously incorrect. He, therefore, called upon the House to bear in mind the evidence given before the committee, inasmuch as he had not the opportunity of correcting any statement which might have been made before it. With respect to what had fallen from the hon. Gentleman the Member for Sunderland in reference to the alteration of the document not being in his handwriting, all he wished to say that although the accountant had given it as his opinion that the document was in the handwriting of the hon. Gentleman, yet, he having denied that it was in his handwriting, he had nothing more to say upon the point. He should not trouble the House with the details referred to in the report of the committee, believing that it would not be edified by them. He had already stated that the amount of liabilities mentioned by the committee was incorrect. He reiterated that statement now, and had to complain that the committee had not given him an opportunity of answering that statement, or making known to him what he had to answer, during the period they were sitting. With respect to investigation, he should be happy to bow to any that the House might think proper, believing that they would come to the conviction that during the last three years of his life he had devoted every faculty of his mind to promoting the present and future welfare of the Eastern Counties Railway, and if he had erred it was in judgment only. He had done all in his power to promote the prosperity of the line, and to place it in a healthy and sound condition.

MR. HUDSON hoped he would be allowed one word of explanation with reference to a matter which he had forgotten to mention. He was merely going to show the incorrectness of the committee's report respecting the amount of money stated to have been carried over from revenue to capital. The committee had forgotton that 27,000*l.* for the working of the line was due from another company to the Eastern Counties, and was not included in the 115,000*l.* which they said ought to be charged to revenue. It was perfectly clear, therefore, that they were wrong in this as in other matters, and that the House could not place much reliance upon such a report.

MR. BAGSHAW: Sir, I belong to the Northern and Eastern Board, and it is so stated in the committee's report. One-third being shareholders in the Eastern Counties, there were six gentlemen sitting on the Eastern Counties board who hold shares in this company. I am one of those; but as we owe no allegiance to the sixty gentlemen who have signed this petion out of 14,000 shareholders—though we owe no allegiance to these gentlemen, we owe a great deference to the opinion of

this House. I am not a very young Member of it, as you all know, and if I were to be thought capable of having acted as the hon. Gentleman the chairman of the committee of investigation has stated, I, as one of the directors, have done, I should think myself quite unfit to sit in this House at this moment. Having mentioned that I belong to the Northern and Eastern board, I may mention as a vindication that the board of the Eastern Counties have had a meeting this morning. This case has been gone into by my hon. colleagues, and I am proud to say I have been returned unanimously by the Eastern Counties board to sit again, by the self-same gentlemen who before sent me there. That is a sufficient justification of my conduct; and I only repeat, in justice to the hon. Member for Sunderland, that on the occasion of his going to Norfolk to investigate the concerns of this line in 1848, he said to me, in great agony of spirit, "Mr. Bagshaw, I have been grossly deceived in these matters." So much I am bound to say in vindication of the hon. Gentleman opposite. I am convinced that the gentlemen with whom I was associated have to the best of their ability done their duty under the peculiar circumstances in which they found themselves placed.

Petitions to lie on the table.

POOR RELIEF (IRELAND) BILL.

Lord J. RUSSELL moved that this Bill be read a Second Time.

Mr. GROGAN would not oppose the second reading of the Bill, the importance of which could not be denied; but he begged to offer a few suggestions, in no hostile spirit, with respect to some of its provisions. He thought it had been prematurely prepared, and that the Government should have waited for the reports of the Committees appointed to inquire into the subject, and also for the opinions of the authorities in Ireland, who were conversant with the state of that country. The first provision of the Bill was the limitation of the rate to *5s.* in the pound on the electoral divisions. The establishing of a maximum rate was certainly most desirable in order to give encouragement to those expectant proprietors to face the difficulties to which they would be exposed in Ireland, and to give them an assurance that no rate beyond a certain amount would be charged upon the land of which they might be the purchasers. He believed that the maximum rate of *5s.* on the electoral divisions, and the *2s.* extra rate on the union at large, had been practically condemned by official persons from Ireland who had been examined before the Committees. However well intentioned the measure, he considered it to be a very imperfect one, and a mere skeleton of a Bill. He should greatly prefer the maximum rate of *7s.* being at once put upon the electoral division. He considered the power of calling upon the union at large to pay an additional rate of *2s.* after the electoral district had been charged a rate of *5s.*, would be holding out an inducement to the board of guardians to impose a *5s.* rate on the electoral district, in order that they might obtain the additional *2s.* rate from the union at large. This, it was obvious, would altogether defeat the intention of the Government, which was that the new proprietors should have a security against being charged more heavily than the absolute necessity of the case required, and that in no case should that charge exceed *5s.* in the pound. Another inducement for adopting this course would be that the guardians would find it far easier to collect a rate from the union at large, than from their own impoverished electoral district within the union. The Bill said, that the maximum rate of *5s.* should be struck on the electoral district, but it did not say that it should be levied. There were eight unions mentioned in the Treasury Minute which authorised the expenditure of the public money in aid of the rate of those unions. Amongst them was the too well-known union of Ballina. Now, the amount of the rates struck for that union was 30,464*l.*, but of which sum 7,502*l.* only had been collected. The full rate of *5s.* was not imposed in any electoral district of that union; but, supposing it had been, then, whether the rate was levied or not, the board of guardians would have been entitled to go to the whole union for the additional rate of *2s.* The very notion of a maximum rate necessarily involved the supposition that an amount beyond the maximum might be required in some particular union. If that should occur—and if the whole *7s.* rate (the *5s.* and *2s.*) should be found insufficient, who, he would ask, was to bear the extra charge that might be required? Was it to be supposed that the sixpenny rate in aid was to be a permanent mode of providing for such a surplus expenditure after the maximum rate of *7s.* had been obtained; or was it to be understood that every distressed

union in Ireland was to be relieved from the Imperial Exchequer? There should be a distinct understanding as to how this difficulty was to be met; for, unless some provision was made, it was obvious that the parties requiring relief, under the circumstances to which he referred, must be left to starve. There was another point which required consideration, and that was, what were they to do in repect to those eight unions which, according to a Treasury Minute, were not in a condition to bear their own special burdens? For, though a rate might be struck in those unions, there was an obvious distinction between striking a rate and levying a rate; and, suppose a rate could not be levied, what was to be done for the support of the poor in those places? There was another case which frequently occurred, and for which no provision was made by this Bill. By the operation of the extended Poor Law Act, parties in possession of a house and a quarter of an acre of land were entitled to relief; and a question had arisen whether a tenant who, though possessing a lease of a farm containing more than a quarter of an acre, had ceased to occupy more than that quantity, was entitled to relief. An eminent lawyer in Dublin had given an opinion that a tenant so surrendering his land beyond the quarter of an acre was entitled to relief, though he (Mr. Grogan) must say he could not see how a party in such circumstances could surrender a part without surrendering the whole. The Poor Law Commissioners, however, had acted upon the opinion of that eminent lawyer, and therefore he begged to suggest, that in order to prevent the land so surrendered from lying waste and unproductive, some provision should be introduced into this Bill to enable the immediate lessor, upon producing a certificate that the tenant was in receipt of public charity, to take possession of the land, and occupy and till it, notwithstanding any lease or tenure against him. The hon. Member called the attention of the Government to several other minor points, in which he considered the Bill defective, and concluded by saying that there was one fatal omission, and that was, a provision for reducing the area of taxation, for, however well intentioned, and however necessary the other provisions of the Bill might be, they would be all quite ineffective without that one.

Mr. POULETT SCROPE thought that the provisions of the Bill could be best discussed in Committee. Some matters in it might be objectionable, but he approved of it on the whole. What he chiefly disapproved of was, that it did not bear out its title in providing for the more effectual relief of the poor in Ireland. They were not properly relieved at present, and the Bill did not go far enough to provide effectually that they should be relieved. In order to reconcile indoor relief with the principles of common humanity, it was necessary that it should be administered in well-regulated workhouses. Now, the Irish workhouses were not well regulated. The condition of all was bad; of several it was really frightful—the filth, the disease, the overcrowding of the houses propagating disease of every description, until the destruction of human life became most awful. They had heard the other night the fearful condition of the Ballinasloe workhouse, and of the workhouses of Kenmare and Skibbereen, in the latter of which the paupers were crowded six and eight in a bed, the size of the beds being 6 feet by $3\frac{1}{2}$, and the people placed, three with their heads at one end, and three with their heads at the other. Was it any wonder that the mortality was frightful? The condition of the poor and middling classes in Ireland, as described in the admirable report of the Society of Friends, was a disgrace to any country. Nor was the outdoor relief of any better quality. It was administered in the shape of a pound of yellow (Indian) meal a day; and even that, insufficient as it was to keep the poor creatures from starvation, they did not get. They were subjected to frauds of various descriptions. The relieving officers used false weights; some had been fined for so doing; so that the poor did not get even the small allowance that was intended for them. But, again, the great majority of those who got the relief had no houses to eat it in, and no fuel to cook it with; and by the evidence given before the Poor Law Committee it appeared that many of them consumed the entire allowance within the first four or five days of the week, so that they had nothing whatever to eat for the other two or three. The outdoor relief, too, consisted in food only; there was nothing for clothing, nothing for fuel, and so insufficient was the allowance of food that the people were dying of slow starvation. Was it intended that they should be gradually starved out? Was it intended that the relief should be insufficient? If the Go-

vernment took proper steps the people would be profitably employed, and every penny laid out for them could be got back. There was no occasion to make grants. The ablebodied could be employed—the number of paupers diminished fully two-thirds, and the land made vastly more profitable than it was at present. As to the modes of remunerative employment, of reproductive works, there was their own —the Government—plan of arterial drainage. There were the unfurnished roads to be perfected ; railroads to be extended; and he hoped the noble Lord at the head of the Government would shortly lay before the House a proposition for aiding the making of railroads in Ireland ; and there was the cultivation of waste land. To the political economists, he could say that Mr. Butt, the professor of political economy in the University of Dublin, agreed in opinion with him upon the subject of unproductive relief to the ablebodied poor being bad economy. They had idle men and idle land. They ought to put the idle men on the idle land. If they carried out such a system there would be no fear of socialism. There was an excellent example set in that respect by the monks at Mount Melleray, in the south, who had reclaimed a barren spot, and made it fertile enough not only to support themselves, but to yield surplus produce. But what he complained of in the Bill before the House was, that it contained no provision for the more effectual relief of the poor of Ireland, although that was its title. There was no compulsion in it to prevent the continuance of that which they read of in the daily papers every day, the finding of dead bodies along the roads—the bodies of people who had died of starvation. Who, he would ask, was responsible for it ? Why was not responsibility cast somewhere ? Why was not responsibility introduced into the Bill? Nothing would stop the present frightful state of things, but the making of some one answerable for its continuance. They should make the guardians, or the Poor Law Commissioners, or the Government, responsible. When rebellion was rife in Ireland, the Earl of Clarendon promised the people that they should have the right of relief secured to them—that they should not be allowed to starve ; yet they were, even now, starving. There should be some power given to compel the giving of sufficient relief, so as that people should not be refused. Perhaps the right hon. Gentleman the Secretary for Ireland might say that there was compulsion already existing—that the relieving officer might be dismissed. But what was dismissal from a situation of 8*s.* a week, which was all that was paid to relieving officers in Ireland ? It was not a very magnificent sum, scarcely sufficiently tempting to render the fear of dismissal strong enough to be a check ? He hoped that when the Bill came before the Committee, the Government would be prepared to introduce some measure to protect the poor from being allowed to starve.

Mr. B. OSBORNE would not detain the House for any length of time at that stage of the proceedings; but he thought it would be necessary and right that some Member of the Government should inform them why, when a Committee was sitting upstairs to inquire into the Irish poor-law, the noble Lord had brought in a Bill upon the subject before the Committee had made its report. He thought it rather an extraordinary proceeding on the part of the Government. Why did the noble Lord go through the farce of sending a number of Gentlemen upstairs at the beginning of the Session, to whom he paid no attention at all ? He thought the right hon. Gentleman the Secretary for Ireland should come forward, break through his habitual reserve, and say whether he was a Member of the Government at all or not, and give some reason for the Irish Government being so utterly neglectful. He (Mr. Osborne) did not oppose the second reading of the Bill, because he probably entertained peculiar opinions upon the subject. He thought it was utterly impossible to struggle to reduce the amount of destitution in Ireland under the present system of peddling legislation. A rate upon the land of Ireland would be altogether incompetent to afford any relief at all commensurate with the destitution existing there. The hon. Gentleman the Member for Stroud had talked about the ablebodied poor of Ireland; but there were no ablebodied poor there. He (Mr. Osborne) regretted to be obliged to say that such a class did not exist. There were no ablebodied poor men, except those who were employed by particular proprietors, who kept them in regular work and wages. And when he spoke of 8*s.* a week as no very magnificent sum, he spoke under a total misapprehension of the value of money and employment in Ireland at present. Why, 8*s.* a week was a fortune to any man in Ireland now. Did the hon. Gentleman know that the

average wages there never exceeded 5*s.* a week? [An Hon. MEMBER suggested that the average was only 4*s.*] He begged pardon, he had actually overstated it—4*s.* a week was the average. But he had to add to what had fallen from the hon. Gentleman in regard to outdoor relief, that in the union of Cashel, in the very centre of Ireland, where they were now giving outdoor relief to 12,000 poor people, they were not keeping them alive; and some of the poor were actually selling their pound of yellow meal to obtain clothing. Yet, in the face of all this, the Government were determined to cling to their English system, which, even in their own rich country, had broken down, and which would bring them at last, in spite of themselves, to a national rate. But in Ireland they had not the elements from which to make unpaid boards of guardians, and the poor were better relieved when they had vice or paid guardians. He was for a national rate and paid boards of guardians. As to the Bill before them it might be materially improved in Committee, but he had made up his mind not to take any responsibility whatsoever upon himself concerning it. In the ninth clause he disapproved of the term of seven years. He thought twenty-one little enough to allow an improving tenant to have the benefit of his money. But there were many things that required alterations. At present the tenants of Crown lands in Ireland were not liable to poor-rate, which he thought they ought to be. But when the hon. Member for Stroud, who was entitled to great praise for the pains he had taken, and the sincerity he had shown upon the subject, spoke so much of what might be done with the waste lands of Ireland, he begged to ask him—was he aware that the monks of Mount Melleray found themselves so reduced, between the poor-rates and the barrenness of the soil they had undertaken to contend with, that they were actually obliged to desert their place? There was no use in locating people upon waste lands, unless the scheme would pay. The hon. Gentleman should, therefore, look more narrowly into the subject; for he (Mr. Osborne) feared that, with the hon. Gentleman's great ability and influence in the House, he was leading them astray. But, as to the measure under consideration, it was a delusion upon the people of this country and of Ireland to pretend that they could protect and support the destitute poor of Ireland by any peddling Bill to amend their previous Act.

LORD G. HAMILTON complained of an omission in the Bill of all reference to the question of settlement, and called upon the Government to take that most important subject into their consideration, and to legislate upon it while the present measure was passing through Committee.

MR. CALLAGHAN did not rise to offer any opposition to the Bill, but merely to make a suggestion, which he had been asked to do by several individuals who felt themselves aggrieved. It would be in the recollection of the House, that the former Poor Law Bill exempted the occupiers of Crown property in Ireland from the payment of poor-rates; but he humbly submitted that this exemption should now be done away with, and that the occupiers in question should be made to contribute their fair proportion towards the relief of distress.

COLONEL DUNNE said, the hon. Member for Middlesex had asked why the present Bill should be pressed through the House while there was a Committee sitting upstairs to inquire into the operation of poor-law in Ireland? He (Colonel Dunne) could answer the question. He believed that that Committee would not submit a report, and that they were doing nothing. It was composed, amongst others, of the hon. Member for Manchester, who, he was convinced, would do mischief—and who had the Committee completely under his influence. He confessed candidly that he had no confidence in the Committee, and he knew of his own knowledge that many witnesses had been examined by them on subjects which were totally irrelevant to the Irish poor-law. He should not oppose the second reading of the present Bill, because it contained several provisions of which he highly approved; but he was convinced that in itself it would be perfectly futile. It left the root of the evil untouched. It did not affect the expensive administration of the poor-law—a law which had aggravated the miseries of the sister country, and which so long as it remained unchanged, would not afford adequate relief to the suffering masses. He would oppose those clauses which introduced a principle that was contrary to common sense and justice — he alluded to the power they conferred of selling lands in satisfaction of the poor-rates. It was said that such a power already existed; but the House should recollect that it had never been exercised. In the first clause, which recognised the principle of establishing a max-

imum rate, he cordially concurred, and he was quite willing to admit that Irish property ought to support Irish poverty, provided that property was at their disposal. He would tax persons who held property and lived out of the country, and he would devote a portion of the money drawn from the soil in such cases to the support of the poor. He would also tax other property as well as landed property, and he would support the people by means of reproductive works.

MR. H. A. HERBERT said, the state of Ireland with regard to the poor-law was such that it could not be worse. For that reason he should oppose no obstacle in the way of the second reading of this measure, in the hope that in Committee it would be so amended as to be effective for some good. Union rating was the main principle of the Bill, as it was the most important principle of the poor-law: but it was attempted to be introduced in a roundabout and mischievous mode, which would render necessary more grants from the imperial treasury, or the people would die, as they were now dying, of starvation. He called upon the right hon. Baronet the Secretary for Ireland to state why the area of taxation in England, in its parishes, should average 2,000 acres, whilst in Ireland it averaged over 9,800 acres, including Ulster, where the parishes were smaller? Taking Ulster away, the average size was 11,000 acres. It was these extensive areas of taxation which caused the undoubted failure of the poor-law in many districts which would otherwise have supported themselves. The poor-law, as administered, had totally destroyed all energy in Ireland. On the 8th of May there were 3,282 indoor paupers in the union in which he lived, which was called a prosperous district, maintaining its own poor, There were also 9,700 paupers receiving outdoor relief, making a total of nearly 13,000 persons. Within three weeks ago the deaths were at the rate of 1 per cent per week; but they had since increased to the rate of $1\frac{1}{2}$ per cent per week; and by the last return he found there had been fifty-two deaths in one week out of 3,280 persons. This was in a prosperous union, as it was called—a union which required no money assistance; and he found that in the same union there had been collected, in thirteen months, in one electoral division 14*s.* in the pound, 10*s.* in another, 9*s.* in a third, and in the lowest 6*s.* in the pound. The total amount collected in thirteen months, without the intervention of a policeman or a soldier, had been 40,680*l.* out of a valuation of 85,680*l.* a year. The union had paid its way, and did not owe a farthing. In 1847 the guardians of this union memorialised the Poor Law Commissioners to stimulate employment, by merely putting the law into force, and allowing the guardians to do their duty. Their representations, however, were neglected, and he hoped the right hon. Baronet would state the reason of it. The consequence had been that at the present moment 13,000 persons were receiving relief, who, if the representations of the guardians had been attended to, would have been earning an honest livelihood. When people were thus dying of starvation, and the property of gentlemen was passing away from them, excuse might be made for strong language. When hon. Gentlemen opposite listened to the opinions of theorisers about disturbing a labour market which did not exist, instead of calling for the opinions of farmers and others in the district, and instead of carrying out their own law, he was justified in using warm expressions. Now, what was the case with the union of Tralee? It was hopelessly bankrupt. In 1847, the guardians memorialised the commissioners to carry out the Act. They asked to have the electoral divisions reduced, having regard to a proper distribution of the pauperism, and to the interests of the distressed districts. The size of the electoral districts in that union was 25,000 acres. Their representations, however, were disregarded, and now they had called for pecuniary relief. He charged the Government, then, with being the direct cause of this state of things. The Government alone had caused the honest, manly, independence of Ireland to disappear, and give place to hopeless beggary which had no resource but the imperial treasury.

SIR W. SOMERVILLE said, the hon. Gentlemen the Member for Middlesex was rather inconsistent in the charge he had made with respect to the Committee. In proposing that Committee, he (Sir W. Somerville) remembered being told that it was the duty of Government to take the responsibility of proposing a measure at once, without waiting for the Committee's report. Now, when a Committee had been appointed, the Government would have been guilty of a breach of faith if they had not proposed its reappointment. But if the Government had waited for their report, which could not be presented before the conclusion of the Session, it

would have been said, there was then no time to discuss its merits. The hon. Member for the city of Dublin had alluded to many of the objections which had been urged against this Bill, as had the hon. Member for Stroud, who had, he thought, rather wandered into subjects not intimately connected with the measure before the House. That hon. Gentleman had somewhat mixed up the question of relief to the poor with that of the employment of labour. The hon. Member had blamed the law and the administration of it by the Poor Law Commissioners, but it should be remembered that the Commissioners were only empowered to carry out the law. The gravamen of the hon. Gentleman's charge was that the Commissioners had not gone beyond the provisions of the second clause of the amended Poor Law Act, which, in fact, only enabled them to distribute relief to the poor. His hon. Friend who had spoken last had accused him of not answering a question which he had addressed to him on the subject of the reduction in the area of taxation. The hon. Gentleman said he had inquired why the unions should be large in Ireland, and small in England; but he assured the hon. Gentleman that he could not remember that question to have been put. He certainly remembered his hon. Friend to have asked him why the Poor Law Commissioners in Ireland had not conceded the request made to them by the Killarney board of guardians to reduce the area of taxation; and his hon. Friend on two or three former occasions had attempted to do what he had again attempted to-night—namely, to fix upon the Government the responsibility of having interfered with the prosperity of the Killarney union, by not having so reduced the area of taxation. His hon. Friend seemed to labour under the impression that the Commissioners were bound to accede to the requests of boards of guardians, whatever they might be. That was not the case. Parliament, as had been properly remarked by Mr. Twisleton, had invested the Commissioners with a discretionary power with respect to all such memorials from the boards of guardians. But this question of reduced areas of taxation was not now being discussed for the first time. Last year he (Sir W. Somerville) had given his reasons why he did not think that a reduction in the area of taxation would have a very beneficial effect. In the instance to which his hon. Friend had referred, he was of opinion that the Commissioners had exercised a sound discretion in not giving effect to the memorial which had been presented to them: for it certainly did not appear to him to be in the province of the Commissioners to make such alterations as should remove taxation from the shoulders of one set of men, and place additional taxation upon the shoulders of another set. He had always been of opinion that the execution of such a plan as the reduction of the taxation area in Ireland, should proceed upon the recommendation of a commission specially appointed for the purpose. The Killarney board of guardians had recommended reduction in the area of taxation; but he could not help thinking that, when the collector came round, and the occupier found that, according to future arrangements, he would have to pay an increased amount of rates, he would regard the proposal with great dissatisfaction. A request similar to that of the Killarney board of guardians had been acted upon in a barony in the county of Carlow. In that instance there had been a division of the electoral district, upon a request as unanimously preferred as that of the Killarney board of guardians. But he remembered that when the alteration was made by which a larger amount of taxation was imposed, it gave rise to great dissatisfaction. The Government were accused of being actuated by unworthy motives in dividing the electoral district; and it was said that they desired to remove a certain amount of taxation from the shoulders of Mr. This, and transfer it to those of Mr. That. He need not say that there was no foundation for that charge against the Government; but the course which had on that occasion been taken had certainly given rise to very great dissatisfaction. He trusted, therefore, that his hon. Friend would acquit the Government of any desire to withhold consideration from the memorial of the Killarney board of guardians. [Mr. H. HERBERT: It was the memorial of the whole county.] He thought it had been the memorial of an union in Killarney. [Mr. HERBERT: I mentioned Tralee also.] That, he thought, did not make any difference. He considered that the Commissioners had acted wisely in not carrying that memorial into effect. He admitted that no suggestions should he be more ready to listen to than to any which might fall from his hon. Friend, for he was aware that this question of the area of taxation had engaged his particular attention. He well knew,

also, that upon this question his hon. Friend believed that the efficient working and well-being of the poor-law in Ireland depended. Assuring his hon. Friend that the important question of reducing the size of electoral divisions had not been neglected by the Government, and that there was no indisposition on their part to give the recommendations of the boundary commissioners full effect, he would add that if these commissioners should recommend a more reduced area of taxation, or any other course, their suggestions should receive the fullest consideration of the Government.

MR. VERNON SMITH thought it rather singular that all the discussion which had taken place on the subject before the House should have turned upon omissions in the Bill. His remarks would bear upon what was in the Bill—upon what he thought a novel and important principle introduced into it. He could not agree with the hon. Member for Middlesex in his censure upon the Government. He thought that the country was indebted to them for the first introduction of the poor-law, as opening up for consideration the entire question of relief to the poor; for some of the reports of the Commissioners had fully exposed the rotten social condition of Ireland. He looked for the report of the Committee now sitting on the subject with the greatest possible interest; but if, as everybody said, that Committee would come to no decision, he thought that the Government deserved praise for having come forward with an opinion of their own. He had not heard anything from Irish Members upon this maximum rate. Upon that, it seemed, they were all agreed. ["No, no!"] Then he was still more astonished that not one of them had mentioned a subject which to English ears had rather a formidable sound. An hon. Member had said, that what was good for England was good for Ireland; but a maximum rate had never been thought good. There was a silence in the Bill as to what the ultimate consequences of this measure would be; and he should like to know when this maximum rate had been expended, from what source the money would then come. Was it to be a national rate. The question was most important, for the present funds not only could be exhausted, but it was known that they were nearly exhausted. He thought that the hon. Member for Kerry was mistaken with respect to the objection which he alleged was entertained in England against union rating. Now, the principle of an union rate, as proposed by the right hon. Gentleman opposite, had been assented to by the House, although it had not been carried out. The hon. Gentleman had stated that there was no power in the English poor-law for effectuating the sale of land for arrears of rates. Now, he did not know whether that was the case or not, but he apprehended that, in the first instance, the debt was considered as a personal debt; and that if personalties failed, there would be a claim on the land. He did not think that the sale of land in Ireland could take place under the present Bill. Under the Incumbered Estates Bill, the incumbrancer could proceed; but under this Bill there were no powers for selling in cases of arrears of rates. With respect to omissions to be found in the Bill, he would not now make any remarks. He trusted that the suggestions thrown out by the hon. Member for the county of Limerick, the other night, in the course of his valuable speech, for extending the powers of boards of guardians in Ireland for facilitating emigration, might be acted upon in the present Bill. He certainly recommended the hon. Member to consider whether he could not effect his object by incorporating his proposal in the measure now before the House.

LORD J. RUSSELL said, his right hon. Friend who had just sat down had asked a very natural question, to which he would endeavour to give a reply, and he would also take that opportunity of addressing the House upon two or three of the points which had been urged in the course of the present discussion. The question of his right hon. Friend was this—How, considering that there was no maximum rate imposed upon England, but that it was now proposed to levy one upon Ireland, and avoiding all discussion at the present moment with respect to the incidence of rating in the electoral division or union—how, after this maximum rate had been exhausted, the poor of Ireland were to be relieved? Now, if it were the case that the poor of Ireland had been relieved by rates amounting to 8*s.*, 10*s.*, or 12*s.* in the pound, and that the House was now being asked to supply the excess of that rate over 7*s.* by any grant from the House, or by a national rate, he thought, with his right hon. Friend, that that would be a question which might lead to very serious apprehension. But the fact was entirely different. The fact

was, that unions which had been rated to an amount far from being excessive, had required sums from this country in order to supply their urgent wants. If that were so, it showed that an abstract declaration of the law that all the property in an union was liable for the relief of the poor, was no security that the people would be relieved. His right hon. Friend was of opinion that the present law afforded security because it had no limit—that if the whole pound were exhausted, still the poor would have a claim to relief—and that the whole property of the union would be liable. If the House approached the facts as they at present existed, they would find by papers laid before Parliament, with respect to the expenditure of the 50,000*l.* in the various unions in Ireland, that the highest amount spent, previously to the 1st of April, was 8,245*l.* in the union of Ballina. By the account which he held in his hand relative to the amount of rates raised in Ballina, he found that the last rate, which was called the second rate, was one of 3*s.* 1½*d.*, and the date of it was the 21st of December, 1847. That account he had received only the other day, in accordance with a request for a return of the amount of rates in many of these unions of all rates made since the close of the month of March, 1847. He found by that return, that whilst there were some electoral divisions in which 11*s.* and 12*s.* had been collected, that those which had required the aid of grants to be made by that House, were those in which the rates had extended only to the amount he had mentioned. In some cases they were 3*s.*, in some, 3*s.* 6*d.*, and in others, 4*s.* 2*d.*, but these were the general characteristics. Now, if this were so, it was a proof that you could obtain no security against being called on for your rate in aid by having this abstract declaration of the law. But it might be said, with respect to these union rates, that they were never fairly collected; and that, instead of 3*s.* or 4*s.*, there should have been a larger amount collected. On an examination of the facts, however, it would be found that temporary inspectors, and persons who impartially administered the law, declared that the rates were fairly collected—that they were collected with a severity which, in many cases, prevented the due and proper cultivation of the land, and caused the loss of furniture and implements to those whose poverty removed them but slightly from the condition of paupers. What did he infer from these facts? Why, in the first place, that with a small amount of rate you might have a great amount of distress, and a deficiency of means which called for aid; and, in the second, that the collection of the rates to a very severe extent in many cases created alarm as to the cultivation of the land. It seemed to him, therefore, to follow, that there was no better way in which the object of providing for the destitute poor could be furthered than by giving some security—by placing some limit on the electoral division or the union —by placing some limit which those who cultivated the land would know would not be exceeded. By so doing, the fund for the relief of the poor would be increased; and that seemed to be the great object in view. If it was said that there should be a declaration that all land in Ireland should be subject to poor-rates to the utmost extent, and that yet those rates could not be collected, the practical object which the House had in view, namely, the relief of the poor, would not be attained. Whereas, if the fund from which relief was to be derived were to be increased—if you increased the amount from 20,000*l.* to 30,000*l.*, as the value of the rates of an union, and added, a 7*s.* rate on that, it was obviously the better course than to reduce the 20,000*l.* to 7,000*l.* or 8,000*l.*, and then add a rate of 14*s.* The view which he took of this proposed maximum rate was, that by allotting only a certain proportion of taxable property for the purpose of relief to the poor, you would increase the relief funds, and promote the cultivation and improvement of lands in Ireland. But the question still recurred, however, that there might be many unions in which, after having collected a 5*s.* and a 2*s.* rate, there might still be an amount of destitution for which this rate had not provided; and his right hon. Friend asked him whether recurrence would be had to a national rate in aid in Ireland, or whether the burden would be thrown upon the Consolidated Fund? His (Lord J. Russell's) answer to that question was this. As a general principle, he did not think the rate in aid should be adopted as a system in Ireland. The present state of that country might demand it; but he certainly should never propose as a permanent measure, nor consent, as far as he was concerned, to the continuance of a Bill by which we had lately established a rate in aid in Ireland. With respect to the other question, whether or not a demand would be made on the Consolidated Fund, he

conceived that that question could have no reference to the limit of the maximum rate now proposed. He did not think that it would be any ground for coming to that House for funds, to say that 7*s*. had been imposed on unions, and still that the sum had been found insufficient. He thought it better that relief should be given from those resources from which relief had been supplied before the introduction of the poor-law in 1837, than to allow such a large amount of taxation to be thrown on the Consolidated Fund, for he believed that the consequence of adopting the latter alternative would be, that there would be great waste and extravagance in the administration of the relief funds, and it would be found that the moneys would very soon be wasted. If the maximum rate were retained, he believed that the amount raised would be administered with economy; many persons who now received relief would be put off the list, and those really destitute would have a better chance of relief. He said, therefore, that he did not think the passing of this measure, with a maximum rate, afforded any reason for a national rate in aid on Ireland, or any charge upon the Consolidated Fund. He thought, on the other hand, that the effectual relief of the poor in Ireland would be better secured by increasing the cultivation of the land, and the amount of income derivable from it, and by so doing all classes in that country would be benefited. On these grounds he thought it wise to enact this maximum rate. The Irish poor-law had not, like the English poor-law, existed for centuries, and the greatest alarm existed as to the amount to which these rates might reach—alarm which caused great discouragement to the cultivation and occupation of the land in that country. This appeared to him to be a general defence of a maximum rate, without entering into the question as to whether it should be thrown upon the electoral divisions, or into the question of further relief. His right hon. Friend had alluded to some provisions with respect to emigration. In the propositions which he (Lord J. Russell) had brought before the Committee at the commencement of their sittings on the Irish poor-law, there was a resolution on the subject of emigration; but he had not felt sufficient confidence to put it in a shape in which it should be carried. The hon. Member for the county of Limerick had paid attention to that subject, and when the Bill was in Committee, he should be glad to have a clause discussed on the principle of the resolution which the hon. Member had advanced. He trusted that he might have the assistance of the hon. Gentleman in framing some clause which would have the desired effect in that respect. There was another point upon which he perceived there still existed a very great difference of opinion, kept up in a great measure by the very confusion inseparable from the terms used on the subject—he alluded to the area of taxation. One hon. Gentleman got up after another, and asked the Government whether they were about to introduce a small area, without defining what they precisely meant by a small and large area respectively. The hon. Member for Kerry said he considered the Government guilty of the poverty and distress now existing in certain unions, because the Poor Law Commissioners did not agree to a certain division of the electoral divisions in Ireland. Let him just conceive a case. The Commissioners might suppose that in those places, by divisions such as they might recommend, they might aggravate the distress which these measures were intended to relieve. Let him suppose a certain proprietor told that he was to have an electoral division entirely to himself—that he would not be chargeable with the poor of any other district; and suppose such a change to take place. That proprietor might take one of two courses. He might think his land capable of improved cultivation, and that it would be profitable to himself and beneficial to the tenants to lay out a much larger sum on labour. But he might take quite a different course, and, thinking it a good opportunity for forever freeing himself from the burden of the poor, he might decide upon getting rid of the persons then living upon his estate, by having them dispersed to other districts, and making some disbursements to provide for them for more than six months, so that by the contrivance of keeping them more than six months out of the electoral division that formerly supported them, he would be enabled to disembarrass himself of his charge for the poor, who might go into the suburbs of the towns or other districts, and thereby become chargeable upon other parties. Let, therefore, the hon. Gentleman, when he taxed the Government with causing distress, remember that there were two sides to this question, and that if the Government had adopted these peculiar recommendations, and such had been the consequence, the

Government would have been chargeable with causing distress by the very measures which he recommended. This question was not one to be decided by some hon. Gentlemen, who might say, "Here is an electoral division of 8,000 acres: let us cut it into four by drawing a straight line across the electoral division, and we shall have it divided into equal parts of 2,000 acres each." It required more care and deliberation than that mere operation with the pencil and compass. The Government had appointed a commission for the purpose of arranging the boundaries, and at its head was Captain Larcombe, as intelligent an individual as the Government could select. He (Lord J. Russell) had repeatedly seen Captain Larcombe since this subject came under consideration, who had now returned to Ireland for the purpose of carrying out the recommendations of the commission, and would draw up a paper stating what new unions he thought it absolutely necessary to make, and the electoral divisions that could be divided without the formation of new unions. When that had been done, and that paper had been received, the Poor Law Commissioners would then have before them a proposition as to what new unions were necessary, and the Government would afterwards be prepared to say what should be done for hiring workhouses, or building new ones, and what they thought fit to recommend as to the electoral divisions. If the unions had been originally drawn with reference to the poor-law of 1847, and if many of the unions had been smaller, and many of the electoral divisions been of less considerable acreage and population, it would have conduced better, he admitted, to the working of the poor-law. He made that admission, as called for by the result of Captain Larcombe's investigation, and the Government would proceed, as far as they could, upon that officer's recommendations. But these were points which it was not necessary to consider upon the present Bill. What must be done would have to be done on the recommendation of the Boundary Commissioners and the Poor Law Commissioners. He did not know that it was necessary for him now to refer to any of the other points raised in the discussion, because what he would have to say must relate to the details of the Bill, and he would be ready to state his opinions upon them when the measure was before the Committee.

Mr. HORSMAN: The measure before us is the most important one of the Session, and deserves to be discussed as such; and I think we ought not to allow ourselves to be diverted from the great principles involved in it to a criticism of the acts of the Government, either in appointing the Committee which has been referred to, or legislating without waiting for its report. I am ready to adopt the opinion of the hon. Member for Kerry, that the Government have brought forward this measure with the best intention, and I adopt the sentiment with which my right hon. Friend the Secretary for Ireland concluded his speech — that, forgetting other differences, we ought to unite now in what was for the benefit of the poor of Ireland, and the community at large. In the present circumstances of Ireland, an amendment of its poor-law is a reconstruction of its social system. Everything there is reduced to chaos: the relations of class to class—the rich to the poor—the proprietor and occupier to the labourer and the land—the well-being, the existence, of all depend on a wise amendment of this law. And the subject is hourly deepening in importance: we are reminded daily of the time which has been lost, and of the little time, with the possible approach of a good harvest, which may yet remain. After three years of suffering and experience, Irish legislation has yet to be commenced in earnest. Hitherto Parliament, by its well-meant but necessarily hurried efforts, has but aggravated suffering, and prolonged without preserving life; the means of Irish regeneration have yet to be determined, and when determined, applied. The fourth year of famine commenced with 1849. Enormous sums expended—a whole nation, as it were, sustained by charity—and what is our condition now? Confessedly worse than ever. Every one conversant with Ireland, official or unofficial, tell you the same thing. Mr. Power, your new Poor Law Commissioner, supported by a host of witnesses, describes the prospects of this year as worse than any that have preceded it. We hear of districts so utterly ruined, that magistrates will not be got for petty sessions; that those who were most active on the bench, are in hiding, or in gaol; that thousands of acres are left waste and uncultivated; and the tenantry and the capital have taken to themselves wings and flown away; that the condition of the poor is such, that a healthy looking ablebodied man is hardly to be met with—the deaths among them fearfully

increasing—and gentlemen driving on the high road at noon-day stopping their cars, to have the dead and dying removed out of their way. And the moral scourge is still worse. Mr. Liddy, and Mr. O'Sullivan, the Roman Catholic priests, before the Committee tell you that their people have become indifferent to their religious duties, the places of worship less frequented, the sanctity of an oath diminished, and natural affection in families destroyed. The Poor Law Commissioners and inspectors acknowledge that your workhouses, now mainly filled by women and children, are scenes of such fearful contamination, that the poor many of them prefer dying outside to entering the walls; and Mr. Vandeleur Stewart sums up his admirable evidence by saying, that Ireland is on the point of becoming one vast lazaar house. Now, physically, or morally, was ever picture of devastation more complete than this? Have we ever known or read of anything surpassing it? A rich empire in a Christian age! One inspector likens it to a country devastated by an enemy; it is more as if the destroying angel had swept over it—the whole population struck down—the air a pestilence—the fields a solitude—the chapel deserted—the priest and the pauper famishing together—no inquest—no rites—no record even of the dead—the high road a charnel house—the land a chaos—a ruined proprietary—a panic-struck absconding tenantry—the soil untilled—the workhouse a moral pest—death, desolation, despair, reigning through the land. Is this not an occasion for England to arouse herself? And whether by a regard for our own interests, or our own honour as a nation—whether by the greatness of our empire, or the immensity of the peril and the stake—whether at the call of humanity and patriotism, or civilisation and religion—by our duty to our fellow-man, or our responsibility to God—by one or all of these motives—the urgency is so great, the interest so vast, that if we were to postpone by common consent every other topic, and devote ourselves day by day, to this one question of Ireland until its difficulty was mastered, I believe we should only be taking that course which sound national policy, even more than humanity, would recommend and repay. Opportunity, did I call it? Why, if famine had not occurred, if the potato had never rotted, every enlightened statesman must have prayed for some opportunity as available for cutting through the Irish difficulty: the tremendous evils under which social life laboured; the complexity of tenures; the bloody tribunal, and the assassin's justice; the increasingly destitute population; the political restlessness ever verging on insurrection: recall all this five years ago, and contrast the change now. It is from the greatness of the calamity we are told to draw hope; it is from the greatness of the opportunity I see motive for exertion. Your poor-law has broken down in Ireland; your whole social system is now dependent on that law; and its breaking down has aggravated the agonies of a great convulsion. You have now again to build up that law—to revive and strengthen it, not by one measure, but by a combination of measures, aiding, upholding, perfecting one another; it is only by a combination of remedies that you can meet a complication of disorders; and the attempt to meet them by single and detached measures must necessarily fail. Now everything which has since occurred, has confirmed the opinions I expressed in February, in the very first debate on Ireland, that the three great measures for you to adopt were to facilitate the sale of land, by giving simplicity of title—to establish limited liability for poor-rates—and, by well-regulated loans, to encourage small proprietors; but I held it then, as I hold it now, to be essential to their success, that these measures should be intimately interwoven—running out of and proceeding from one another—and forming a combination indicating one idea and one plan. In order to carry out the first of these objects, the Government have introduced an excellent measure, for which they have obtained much credit, though not more than they deserve. But I must repeat now what I said when that measure was introduced—that its success must depend on the other measures by which it is to be accompanied, and by which its operation must be aided. For it is of no use passing an Act to facilitate sales, unless you can also induce purchases; but that is what the Bill before us fails to do. There is no connexion, no sympathy, between the measures; they are rather antagonistic in character; the object of the one is to encourage sales—the tendency of the other to discourage purchases. And I think I can show this. For what is the object of a poor-law? To combine the due administration of relief with the security of property. But in Ireland the relations of capital to population are such, that additional

legislative restrictions are necessary to prevent pauperism devouring property. The old proprietors cannot hold their ground, and new ones will not take their place unless you give them some guarantee against being eaten up by poor-rates. And one of the professed objects of this measure is to give that guarantee by assuring them of limited liability. Now, limited liability may be attained in one of two ways: either by letting the proprietor see at once the whole amount of the rate he may be called upon to pay, or the whole amount of pauperism he may be called upon to sustain. The first is attained by establishing a maximum rate; the second by establishing a limited taxing area. This Bill, however, has the unhappy peculiarity of achieving neither object; for while it affirms the principle of a maximum, it by no means insures its inviolability. The question was asked just now by the right hon. Gentleman the Member for Northampton—"When the *5s.* rate, and the *2s.* rate have been exhausted, where are you to go next for relief?" That is a case which will very soon occur; how is it to be provided for? The noble Lord got up to answer the question—and what was the answer? Divested of all circumlocution, it amounted to this—that the pauper must after that be left to chance—the Government has at present nothing further to propose. But is this not a proof either that you have not made up your minds on this point, or, having made them up, you will not divulge the secret for fear of destroying the confidence your maximum is to establish? Then, has the ratepayer not cause to dread that your maximum, after all, is but a nominal maximum to serve the purpose of the day; but if he trusts to it, he may find it, in the hour of pressure, a delusion and a snare. Then, again, what are to be the capabilities of the unions to which our new law is to apply? They have now, some of them, great arrears of rate—are they to drag on the hopeless burden of those arrears? or are they to start free of debt? This is an important question—have we made up our minds upon it? are those arrears to be remitted or enforced? One course or the other must be adopted: either is preferable to permitting them to stand over, a dead weight upon the energies and hopes of those districts. Then again, what are to be the boundaries of our taxing areas? Do we abide by the existing boundaries, or adopt the recommendation of the commissioners, and also build new workhouses? and if so, where is the money to come from? Before we contemplate fresh Government advances, we must in one way or other settle the outstanding debt for workhouses already built. The non-payment of that debt has been repeatedly, in the present Session, made a reproach against Irish Members. It is a shame that it should continue so. In common fairness and justice, we ought to make up our minds at once either to enforce or remit that debt. If it can be paid, compel the payment—if it cannot be paid, wipe it off. But there is neither kindness nor economy in perpetuating a bad debt; and withholding that stimulus to exertion which emancipates from difficulties, and hope substituted for despair, is calculated to impart. I hold, therefore, that, as regards these unions, you must in all cases clear your ground before you put in new seed—compel payment or remit it; but, at any rate, let those debts determine, and in the race of improvement let all start fair. So far, therefore, your Bill is defective at the outset, it does not enable the unions to see their way. The ratepayer is not sure of his present position, nor of his future prospects. He wants the certainty which alone can encourage him either to purchase or improve. But these are preliminary objections, and affecting details only; and for the sake of argument I will suppose them all got over—that your maximum, by a clause in the Bill is made impassable—that the arrears of debts for poor-rates and workhouses are both extinguished, and the unions start solvent. I come now to consider the practical objections to the maximum itself. The real objection to a maximum is well set forth in an answer of Captain Hamilton's to the Committee. "A maximum," he says, "would not diminish pauperism, it would only spread it over a wider surface;" and, indeed, by that means it tends rather to increase it, by diminishing the power of vigilance and control so necessary to meet it. This, then, is the first defect. The maximum forgets that there are two parties to be considered, and it takes into account one only; it aims at protecting the ratepayer; it puts altogether out of sight the rate receiver. And even the relief to the ratepayer is delusive; for while the same amount of pauperism continues, the whole rate to be paid is not only not diminished, but is actually increased; for as the fund from which the pauper is relieved becomes of

larger and more indefinite amount, and the burden on the individual ratepayer less direct, the vigilance and economy of the one are lessened—the temptation to fraud and imposition on the part of the other are increased—and the burdens of the district are multiplied as its pauperism is extended. Your maximum, therefore, proceeds on an entire misconception of the disease: it confounds cause and effect—it aims at limiting taxation instead of reducing pauperism—it imagines that the landowner suffers from high rates, when in reality he is crushed by extensive pauperism: the rates are the effect, not the cause; pauperism is the real source not only of this but of many other and still greater evils by which the proprietors of Ireland are broken down. Look at the multitude of other evils inflicted on them by pauperism independently of taxation. What must be the demoralisation of a country in which, in 1847, 5,000,000 of the population were sustained by charity? What must be the insecurity of life and property when two-thirds of the population are, in periods of famine, in a state bordering on starvation; and in years of average production in a state bordering on insurrection? I have here a return laid on the table a few days ago of crime in Ireland during the last five years, which throws some light on this subject, as showing the relation between pauperism and crime:—

In 1844,	Total number of convictions in Ireland was	8,000
1848,	ditto ... ditto ...	18,000
1844,	Transported	400
1848,	ditto	1,300
1844,	Convicted of cattle and sheepstealing... ...	175
1848,	ditto ... ditto	2,800

Add to this what the Roman Catholics examined before them, lament to the Committees; the wholesale demoralisation of their flocks—the extinction of natural affections among them; and call to mind Captain Kennedy's remarkable statement, that a new crime is becoming prevalent in Ireland—that the desertion of families by parents and husbands is now so common, that the workhouse of Kilrush must ere long become almost exclusively a refuge for deserted women and children. This is a state of things induced by pauperism, and from the mischiefs of which your ratepayers cannot be protected by any fixed legislation. A wise and efficient amendment of your poor-law should take thought of them, but your maximum overlooks them all. A host of witnesses, of whom the most prominent is Mr. Senior, insist upon it, that a maximum will be prejudicial to the whole neighbourhood by diminishing the motives to exertion and self-reliance; they warn you that every distressed electoral division will have a tendency at once to run its rates up to *5s.*: and Mr. Power is of opinion, that the division will become careless when it has reached the maximum. If then it be admitted, as it must be, that the maximum has regard to the ratepayer only; that it does not diminish pauperism; if the advantage to be derived from it is in the best view an imperfect and fictitious advantage, how unanswerable on the other side are the objections to it—that in principle it embodies all the objections, and in operation all the mischiefs, of a rate in aid; that while it diminishes the motives for industry and frugality, it throws the burden of the needy and improvident on the industrious and frugal—lessens economy—discourages improvement—and aggravates that which is the root of every Irish misery—its overwhelming, all-devouring, pauperism. Such, then, are my objections to the Government mode of achieving limited liability; and now I turn to the other mode. The Chancellor of the Exchequer, in his speech last week, on introducing the Land Improvement Bill, stated the real want in Ireland. "What we want in Ireland," said the right hon. Gentleman, "is employment." Quite true; but how are you to get employment? By common acknowledgment, only in one way—by a considerable change of the proprietary—and that change can only be brought about by imparting to purchasers a confidence that they will be assured of limited liability, not of an uncertain character, dependent on the caprice of Minister or Parliament, but by a guarantee which to their own understandings and convictions will be valid and unassailable. Now, I will venture to say, that if the noble Lord at the head of the Government could collect all the solvent proprietors of Ireland and all the enterprising capitalists of England into a room together, and there ask them by what legislative measure he could most encourage them to purchase or improve, they would answer with one voice, "Reduce your area of taxation:" and why would they do so? Because it is notorious that our present areas are wholly at variance with the principles on which our poor-law is based, and render it utterly impossible that we should combine due relief to the poor with security to property.

The principle of your poor-law is local authority—local knowledge and supervision—local responsibility; and in order to carry all that out, you began by dividing the country into districts of intended manageable size, with a view of placing each under the administration of a capable and efficient board. Such was your principle, which was confessedly not carried out in Ireland. In Ulster you had a perfect Ordnance survey, and by means of that your divisions in Ulster were more judiciously made. Accordingly, in Ulster, that is one of the reasons why your law has been better administered—your workhouse accommodation has been more adequate, and the rates less burdensome. But in other parts of Ireland, where you had no Ordnance survey, the unions are of an extent which makes the proper administration of the law impossible. Paupers, living forty miles from the workhouse, seeking it for relief, die on the road. Guardians reside at such a distance that they cannot attend the board; and the proportion of workhouse accommodation to population is so small, that the workhouse test cannot be carried out. Those volumes of evidence are but one continued cry raised by poverty, experience, and common sense, for an amendment of the poor-law by a reduction of areas. There is no hostility to the poor-law itself: not one word of that. Every variety of opinion exists on other subjects; but not one single Irishman, before the Committees, has objected to the poor-law. Let that be noted. But they do complain, unanimously, of the faultiness of its machinery, which renders its right working impossible; and a comparison of the unions of England and Ireland will show their complaints to be well founded:—

	Population.	Unions.
England	15,000,000	... 584
Ireland	8,000,000	... 131

Unions.		Acres.
England 347 (being a majority)	under	20,000
Ireland 2	ditto	
Majority	over	60,000
Ireland 10 (or 1 in 13) ...	under	30,000
England 482 (or 3-4ths) ...	ditto	

	Population.
England, union to every	25,000
Ireland	61,000
Connaught	76,000

But to compare the relative population of England and Ireland is very deceptive. You must, again, analyse those populations—take the proportion in each of ratepayers to paupers—and the disadvantage under which Ireland suffers will be aggravated tenfold. The question is asked by the noble Lord, "To what extent would you reduce the area of taxation?" and he describes the views of those who advocate a smaller area as extremely vague and unpractical. The answer which Captain Hamilton gives, and in which are embodied the views of the great majority of those who have studied the subject, is clear, sensible, and conclusive:—

"Taking into consideration" (says he) "the size, the valuation and the population of each district; and having regard, as much as may be conveniently, to the boundaries of properties; you should make each area of such dimensions that every ratepayer should feel senibly and immediately the burden of the rate—that he should have a direct and inevitable interest in keeping down pauperism—that by good management his burdens may be individually diminished—that by bad management they may be proportionably increased—in short, give him the motive and the power to render his own exertions the measure of his own liabilities."

Mr. Hamilton then proceeds to lay down more precisely what should be the actual size and population of taxing districts; but, without going into those details, I have no hesitation in saying, that if you adopt those principles, and appoint a commission to devise the right mode of carrying them out, they would have no difficulty in doing so, without either vagueness or uncertainty. Now, on this point there seem, by the line of examination, to have been two opposing parties in the Committee—one anxious for an area of taxation approximating to our English system; the other inclining to an union rating. Now, I can imagine our areas in England being deemed objectionably small; and when a Bill was introduced, five years ago, to establish an union rating, I gave it my support. But surely the case of Ireland is not at all analogous. In England our poor-law is no novelty: we have a wholesome and established state of things; the duties of property are more generally fulfilled; the relations of proprietors to each other are more equal. Our landholders, happily, are, for the most part, solvent; our farmers are capitalists, our ratepayers are a majority of the nation; and, above all, when his means are hopelessly reduced, the ruin of a proprietor is speedily followed by the sale of his estate. Reverse this picture, and you approach the truth in Ireland. The relation of capital to labour is entirely different: an enormously redundant population, without habits of industry or self-reliance; a wretched agriculture; a pauper tenantry; and, above all, an unhappy and

ill-fated landlord class, ruined and improvident, yet clinging with a desperate tenacity to the ill-omened possession of domains which they cannot call their own. And here, Sir, I place my finger on the strongest point in all this argument. Here is my plea for a limited area—that it becomes a test of the ability of proprietors to fulfil their duty. The more closely and directly the burden of taxation is fastened on them—the more impossible their escape from it—the more assuredly do you compel those who cannot discharge the duties of proprietorship to make way for others, whose substitution will be a national benefit. The arguments, then, in favour of a small area of taxation seem unanswerable. It tends to an economical and efficient administration of the law, by making the areas of manageable size; it renders it the interest of every ratepayer to keep down pauperism by employment; it enables a small number of proprietors to combine for this purpose where a large number cannot do so; it compels ruined proprietors to sell; it encourages capitalists to buy; it stimulates the pauper to exertion, by making him dependent on a smaller fund, and the object of severer vigilance; it enables you, by a multiplication of workhouses, to carry out efficiently the workhouse test; and all these results are attained without any shock to your existing poor-law, or any violation of its established principle, or interruption of its harmonious working. "But," says the noble Lord, "there are two sides to every question; and although small areas may have some advantages, you must remember they are open to this grave objection, that they are certain to increase evictions." Now, I think the noble Lord having appointed a Committee of inquiry on the subject we are discussing, was at least bound to give due weight to the evidence they have taken and reported; and if he had done so, he would have found that the fact is the reverse of what he states; that it is universally acknowledged that evictions have ever been most common where areas were the largest; and not only so, but that such is proved to be the tendency of the present law; for a needy proprietor, by turning families off his estate, now casts them on the union at large, and a very small portion of the charge falls on him: his more industrious neighbours bear his burden. But by reducing the area, you not only increase liability, but, if you accompany that change by a law of chargeability, you compel every proprietor, in his own defence, and to ward off his own ruin, either to rescue the pauperism on his estate, or sell it. Another objection, to which the Member for the county of Kerry has already replied, is, that a reduced area impedes the free circulation of labour; but surely this also is an English argument transplanted unreflectingly to Ireland. I agree with what was well said by the Member for Kerry, that your object in Ireland is not to regulate labour, but to save life—to make the land feed the population, and to do so by getting the employer to employ, and the labourer to work. It is idle to talk of impeding the circulation of labour when labour does not circulate at all. The labour market of Ireland is a stagnant pool—it wants life and motion, and many years must elapse ere you can quicken it to such activity as to make it self-supporting. Mr. Hamilton tells you it is a struggle in Ireland between pauperism and property, and one must go to the wall. In England it is different: capital is abundant—the labour market not overstocked. But in Ireland it is a question of life or death: it is not whether proprietors can choose the best labour, but can they employ what there is?—not a question of luxuries, but of bread. Every motive has yet to be created—the disposition to work, and the ability to employ. It would be as reasonable for a surgeon to tie the legs of a patient whom he was treating for mortification in his extremities, lest, before he was cured, he should run away, as speculate on the labour market of Ireland becoming inconveniently active, when in reality it represents a corpse. There is one more difficulty in the way of small areas, to which the noble Lord, though somewhat indistinctly, referred, and that is the expense of new workhouses. Now, so far from more workhouses being an objection, they are in reality amongst the greatest recommendations for the change; for, as I am convinced that a poor-law is either good or bad for a country in proportion as it is well or ill administered, so am I sure that its good administration depends on a rigid application of the workhouse test. There is no economy, therefore, in a paucity of workhouses; on the contrary, it has already led to an immense sacrifice and waste of money—to a waste of far more than would have built all the additional workhouses of which you can stand in

need. But the pecuniary sacrifice has been the least of all—that of life has been very great; but greater, more sad, more fatal than either, has been the sacrifice of moral character and feeling on the part of the unhappy poor. Wherever the rates have been the highest, the maladministration most gross, the mortality most fatal, there be sure has the moral deterioration of the people been most sad and grievous—there be sure that the areas have been largest, and the utter impossibility of due vigilance and control most evident and undeniable. I am prepared, therefore, to maintain that, as every improvement in Ireland must be sought by these two means—the employment of the ablebodied, and the rigid application of the workhouse test, so they can only be attained by reducing your areas of taxation to a manageable size, giving the ratepayer both the ability and the motive to employ the poor; and, in every case, exhausting the resources of a district before you allow it any claim for extraneous aid. Your maximum is an imperfect and isolated expedient, having no relation or connexion with other measures of improvement. The change to a smaller area of taxation becomes part and parcel of a scheme of policy: it furnishes a sound foundation for every further measure which must derive success from the combined operation of a solvent proprietary, and well-administered poor-law. For example, it gives immediate and active operation to your Encumbered Estates Bill—it imparts a new character to your Drainage and Land Improvement Bills, or advances for public works or emigration. Those advances of loans, with the population and the proprietary in their present condition, are most objectionable; because they are a part of no defined system, and lead to no certain result. But substitute a solvent proprietary,' and a well-employed population—show that the country is in a transition state, and advances of public money are not only legitimate and proper, in order to aid that transition, but they can be vindicated on sound principles as essential to its progress and accomplishment. This, then, is the policy which I should propose for your adoption. You are about to establish a commission under your Encumbered Estates Bill; but you must begin by disembarrassing the unions of every past debt. In my opinion you should enforce payment of every farthing, and by selling the land wherever it is not paid. Reduce your areas to the limits proposed by Capt. Hamilton—build the requisite workhouses, and apply rigidly the workhouse test. Loans for purposes of improvement or of emigration have an altered character; and in selling land for poor-rates you have this additional advantage, you sell it in small lots—it is purchased, as you are assured it will be, greedily by small proprietors; and aiding them by Government advances, with strict limitations against subletting and subdivision, you obtain a new and valuable class of agriculturists in Ireland—the most industrious—the most enterprising—the most peaceful and orderly of all; and it will surely be a reproach to us if, with the advantages we possess, we cannot achieve all this; for let us remember that we have the three great elements of wealth for Ireland—land, population, and capital; but, unhappily, all in false and mischievous relation to each other. There is abundance of clear and fertile soil—a great accumulation of capital close at hand, seeking to be employed—and the population, if the land were well cultivated, not superabundant: with all these elements of improvement, of prosperity, of hope, are we to be told that when Providence has given us an opportunity of turning them to the best account, that opportunity is to be lost, because in the British Parliament there is not skill, energy, discernment, to readjust their bearings to each other? Are we to rest satisfied with a conclusion so discreditable to our intelligence, our patriotism, our common sense? One thing, and one only, is wanting, that Parliament should see and feel that it is presiding over one of the most striking revolutions which history records—that the interest of ages is concentrated in these few weeks—that the greatness and repose of the British empire are staked on the right development of this awful national crisis. History has recounted with awe and wonder mighty political convulsions; but the reconstruction of society itself, the very change of its primitive elements, are events of a yet more tremendous magnitude and interest: the dissolution of all organisation is but the setting free of elements from whence new combinations spring. From that letting free I draw hope, because I have confidence in Parliament discharging its duty; and as the result of that discharge, I say I draw hope. Because needy and worthless landlords are about to disappear—because pauperism, unable to maintain itself,

however horrible the idea, is fast diminished under a providential dispensation which we cannot stay — because the cottier is passing into the labourer, and losing his inducement to shoot and murder—because British capital, and skill, and enterprise, are ready to invade Ireland, and reconquer the waste from civilisation—because, in the moral elevation of the Irish, I see the establishment of new sympathies with England, and the two nations, united in name, will be united in heart, in interest, and in character. I say, emphatically, in character, because I never can admit that inferiority of Irish character by which some seek to justify their indifference. As to the landlords of Ireland, I never hear imputations cast on them without regret; for I cannot but remember that they have inherited a state of things they did not create, but from which they have had no escape. They are to be felt for as the victims, not denounced as the authors of a system, in the midst of which it was their misfortune to be born. And as to the Irish labourer, why it is only on his own soil that you see him so degraded. Transplant him, and he is an altered being. See him among us here, his wonderful industry and self-denial; pursue him to the colonies, patient, laborious, advancing. His degradation in Ireland, then, is not his nature, and it is not accident; but let the Imperial Legislature probe its own conscience if it would ascertain the cause. But take the Irishman in any of his relations to you—who toils for you so unceasingly, endures for you so cheerfully, fights for you so gallantly, or sheds his blood for you so devotedly? Well has it been said by one of the most beautiful of Irish writers, that the brightest pages of British history have been set in gems of Irish produce—that Ireland has woven many a wreath for England's brow, without one leaf of the chaplet being given to herself. But I hope there is a brighter day dawning for Ireland; and I think I discern a prospect of that day, one that may fire the ambition of the highest statesman, or stimulate the zeal of the humblest labourer in this House. One cloud only do I see on the prospect—that abominable measure which we passed three weeks ago. In opposition to that measure I joined cordially with those who foresaw its mischiefs, and denounced its character. In support of good measures I will join cordially with any who appreciate the occasion, and will deal with it as it deserves; I will do so, not on Irish, but on imperial grounds. I wish to add to the security of England by the elevation and prosperity of Ireland; and, in pursuing that object, I enjoy this additional satisfaction—that while as regards England I make the only atonement now left to us for ages of cruelty and misrule, the darkest that ever stained the annals of a Christian nation—so as regards Ireland it gives me another opportunity, in accordance with every sentiment I have ever recorded, of testifying my sympathy with the sufferings, and my admiration for the virtues, of a generous and most afflicted people.

Mr. NAPIER felt, that after the eloquent address of the hon. Member who just sat down, it would be unnecessary for him to dwell at any great length on the measure now under the consideration of the House. Undoubtedly the amendment of the poor-law had been looked for with the greatest anxiety on the part of persons in Ireland before the Parliamentary Session began; and undoubtedly the principal matter contained in the Bill under discussion was that connected with the maximum of rating. And it had this singular peculiarity about it, that the principle of a maximum rating was in contravention of the advice of every man examined before the Committee except one, and that man certainly had been rewarded for the advice he had given. When he looked to the law of 1838, he found a provision in that law of a totally contradictory character to the present proposition. By the law of 1838, a power was given to the commissioners to reduce the electoral divisions according to circumstances, because it was felt that it was impossible for Parliament to define the extent of the electoral division; whereas, under the present law, the electoral division for the purposes of a union rating was to be irrevocably fixed. He would refer to a case that occurred in the union of Kenmare, to which he had alluded on a former occasion. In consequence of the redundant population on the property of the Marquess of Lansdowne, the poundage would come to 16*s.* in the pound on that property; but a man in a neighbouring division had to pay for the mistaken humanity of the noble Lord. That man gave employment to his people; but it appeared that he must sink or swim with his neighbours, and accordingly his fate did not depend on his own efforts, but on the conduct of others. There were two matters that should be kept distinctly, namely,

the law and the administration of the law; and, in his opinion, the administration of the law was more important than the law itself. It was also important to consider the feelings of the people, and to explain what their feelings are. A man did not complain when he was taxed for a purpose over which he had a direct control, and had a voice in the assessment of the money and the spending of it; but he did complain when he saw his money spent to meet demands which were caused by the misdeeds of others. In the union to which he had referred, the affairs were managed by vice-guardians; and, at the beginning of the year, the proprietor to whom he had already alluded, asked to see the accounts, and, having got an order to inspect them, what was the fact he discovered? He found that from September, 1847, there had been no audit of the accounts of the union. During the whole of the year the union was under vice-guardians, and yet not a single account was furnished by means of which he could ascertain the number of persons in the workhouse. There was another case that had occurred in the North Dublin union. It turned out on examination there, that nearly 400 persons were on the register of the workhouse who were not in the workhouse at all. The accounts were then examined, and it appeared from the accounts ending March, 1848, that there had been supplied 1,723 bottles of port, 45 bottles of spirits, seven dozen of lemons, 45,937 lbs. of sugar, and 18,479 bottles of Guinness's double X. For the year ending March, 1848, he found the consumption had been 1,728 bottles of wine; during the next year it was reduced to 904. The spirits in the first half-year were 45 quarts; but in the second half-year they made up for the diminution of the quantity of wine by an increase in the quantity of spirits to 102 quarts. Of whisky, seven dozen bottles were consumed in the first half-year, and twenty-eight dozen in the second; and he found, upon looking to the increase in sugar, lemons, and whisky, that it had increased in precisely the rateable proportion required for making whisky punch. With regard to what were called the bankrupt unions, he had two advertisements which would show to the House the manner in which the affairs there were conducted. The advertisement requested tenders to be sent in—

"For the best port wine, — per dozen; the best sherry wine, — per dozen; the best arrow-root, — per lb.; the best mustard, — per lb.; the best tea, — per lb.; the best lump sugar, — per cwt.; the best XX porter, — per dozen; the best whisky, — per gallon; the best sweet oil, — per gallon; the best mould candles, — per dozen lbs.; the best white bread, — per 4lb. loaf."

These were the cases of unions under the management of vice-guardians, and subject to the control of the Poor Law Commissioners. Was it fair or just that the inhabitants of unions, who had to support their own poor, should, in addition to these charges, be compelled to pay for the support of such unions as those he had referred to? With respect to the auditing of accounts, he felt the difficulty of the position with respect to poor-rates; but he knew that it was the duty of every one who felt an interest in the affairs of Ireland, to give his honest co-operation in endeavouring to curtail as much as possible the lavish expenditure of the country. He wished to call the attention of the Government to another subject of importance in connexion with this Bill—the principle of a maximum rating. If they gave to the people of Ireland by the existing Poor Law Act a right to relief, upon what principle could they now fix a maximum rate of *5s.* in the pound upon any division? If the property in any union or electoral division was held liable for the support of the poor in such union or division—for that was the principle of the law of 1838—upon what principle could they, when the rate for the relief of the poor in such division exceeded *5s.* in the pound, compel other unions to contribute towards such unions? What, then, became of the right of the pauper to relief, founded, as it was, upon the principle that the property in any division or union in which he might reside was liable for his support? He could not see the justice of fixing a maximum rate of *5s.*, and then going upon other property for an additional sum. But it was said, in favour of this mode of rating, that if they relieved shattered property of some of its burdens, they would thereby facilitate purchases. He did not dispute but that it was a very good thing to obtain purchasers for property, but he did not see the justice, in a case where an incumbrance existed upon property, of shifting any portion of it upon other property. The effect would be, to elevate the value of one property by depreciating the value of another. Such a principle could not be a sound one. He could understand granting to *bonâ fide* purchasers a guarantee that the poor-rates should not exceed a

certain sum; but this Bill, although it provided a maximum rate of 5*s.* in the pound, did not provide that this 5*s.* should be actually expended in the union, before they compelled other unions to contribute to its support. It was left discretionary with the Poor Law Commissioners to say when such assistance should be obtained, and these were not the most likely persons to form correct judgments upon such subjects. He objected to giving them any such discretionary power; at all events, it was their duty to exhaust first that which was primarily liable, before they imposed a burden upon others. There was one case which was wholly unprovided for under this Act, and that was the case of a tenant deserting the land. Cases of this kind frequently occurred during the past year, and where the land was left wholly unoccupied and untilled, and where neither the landlord nor any new tenant would enter upon it, because, by doing so, they would become responsible for the accumulated arrears of the poor-rates. He thought that some provision ought to be made in the Bill, for giving, in cases where the land was deserted, a summary remedy against the land, for the recovery at once of the arrears, and not allow them to run on and accumulate. The principle, therefore, of a maximum rate was one which he thought ought not to be sanctioned by the House, because it was not in accordance with justice or sound policy, nor with the spirit of the law of 1838. There was another clause in the Bill which was also deserving of serious consideration, with reference to jointures and clergy rent charges. By the operation of this Bill, the jointress would derive no benefit whatever from the improved cultivation of the land, because her jointure was a fixed and certain sum upon the property. With regard to the clergyman, he was the only personage who had all the poundage deducted from his income. In England a clergyman was only charged upon his net income; but in Ireland he would be charged upon his gross income. The remaining provisions of the Bill appeared to him wise and just; but, previous to its going into Committee, he would endeavour to collect those objections and suggestions which occurred to him, and would then lay them before Her Majesty's Government.

MR. CLEMENTS, considering the difference of opinion which existed amongst Irish Members, regretted that some one had not opposed the second reading of the Bill, because the discussion would then have been of a more beneficial character. He himself did not object to the second reading of this Bill; but although he was not opposed to a maximum, he was strongly against a low maximum, and as strongly opposed to the 2*s.* union rating. He regretted that in the debate this point had scarcely been alluded to at all, because it established a new principle. It was remarkable how different were the views of persons arriving at the same end, as to the best mode of accomplishing that end; and this was particularly exemplified with respect to the most efficacious plan for inducing capitalists to lay out their money in Ireland. No doubt a maximum rate would give the capitalist some security; but he must say that he disbelieved altogether that unions would run up their rates to 5*s.*, in order that they might get the other 2*s.* to expend. He did not deny that a small rate in aid, far smaller though than 2*s.* in the pound, might be advisable. The extent of union charges was much greater than the House supposed. Out of 126 unions, it was only in 45 that the charges were so low as 25 per cent; in 67 they were from 55 to 57 per cent; and in 14 they were above 57. In Committee he therefore certainly should be inclined to lessen the rate upon the unions, and to increase it upon the electoral divisions. A question arose as to the instructions to be given to the boundary commissioners on their appointment; and after some consultation with the Irish Members it was understood that the area of the unions should be revised. Notwithstanding that, the House was yet in the dark as to what the commissioners were going to do, and all that could be learnt was that the noble Lord at the head of the Government was in communication with Captain Larcombe on the subject. Were these divisions to be revised, was a most important question; and he trusted that the right hon. Gentleman the Home Secretary, who was present, perhaps would state how soon the House would know what was to be done with these unions and electoral divisions. He was strongly of opinion that the new unions ought to be formed at once, in compliance with the recommendations of the boundary commissioners; and, regard being had to the unions and electoral divisions in the west of Ireland, he thought that it would be very much better to constitute the new boards with as little delay as possible, and to give them instructions

to send the paupers in their charge to the old workhouses, or to some places of temporary accommodation, rather than to wait for two years while new workhouses were being erected. When the Bill was in Committee, he would take occasion to propose that measures be taken without delay to carry into effect the recommendations of the boundary commissioners.

Mr. M. O'CONNELL begged to remind the House of the proverb, "While doctors differs, the patient dies." Ireland at present was in the condition of a patient suffering under fever and great depression. He considered the present Bill was an improvement on the existing law, and therefore he should support the second reading, reserving for the Committee his observations on any amendments which he might think necessary. He was an advocate for a reduction of the area of taxation; but at present he would not offer any arguments in support of what he considered to be the only useful amendment of the poor-law in Ireland. He had opposed the poor-law from the first, and every year would more and more demonstrate its unfitness for that country, and the necessity of legislating for Ireland in Ireland itself.

Sir H. W. BARRON was strongly opposed to the principle of a rate in aid, which was contained in the second clause of the Bill. In his opinion, it was so injurious to Irish interests, that he should think it his duty, even if only one Member went into the same lobby with him, to divide the House against the 2*s.* rate in aid which he found in this clause. He thought it also highly objectionable that a power should be given of selling the inheritance or property of a man for a debt which he did not himself incur. At the same time he allowed that there were several most useful amendments in the Bill of the present law, and therefore he was quite willing to support the Bill as a whole; but when the Bill got into Committee he should strenuously oppose the clauses which contained these provisions. The circumstances of Ireland and England were so dissimilar, that the same law would not apply in each country, and therefore he was of opinion that in Ireland there ought to be an income tax levied on all property not rated to the relief of the poor, which should be applied to the building and maintenance of workhouses and the workhouse staff, while a separate rating was levied for the poor of each electoral division. With regard to electoral division, he must say that until the area of taxation was lessened, nothing would have been done to carry out efficiently the Irish poor-law. The larger the electoral divisions were, the more evictions went on. The hon. Member here entered into details explaining the causes of the increase of a poor population upon Irish estates, and argued that the landlords had no power to prevent it, although they were blamed for it, as well as for everything else, according to the usual system which prevailed of calumniating Irish proprietors. He then contended generally that Irish landlords were not to blame for the evils of Ireland, but the law and the Parliament of this country. Let legislators, therefore, blame themselves; they had always had a rampant majority in that House ready to do the bidding of the Minister of the day in everything relating to Ireland; and to what a state had they reduced her! Let them not blame others, for they had the management of Ireland. They had been her taskmasters and lawgivers. British Government and British legislation had made Irish landlands what they were; they were guiltless, and the crime—if crime there was—rested not upon their heads, but upon those who had legislated for Ireland.

Mr. MONSELL wished to call the attention of the Government to one or two points in the Bill which required explanation. First, no change was proposed at present in the existing law of chargeability, which inflicted great injustice upon the towns in Ireland. In Limerick, the number of paupers had exceedingly increased, and the ratepayers suffered much injury from the present operation of the law. If a pauper was turned off from the rural districts, and resided six months in the electoral division of Limerick, he became chargeable upon the union at large, and the city was rated at one-third of the rate of the whole union. He believed that this was among the main causes of the number of evictions. He next called the attention of the Government to the 7th Clause of the Bill, by which it was proposed that the occupier should not deduct from the rent more than half the rate paid. Admitting the importance of every person in the union connected with the operation of the poor-law having a direct interest in the diminution of taxation, he thought he could suggest the means by which that object could be accomplished without the injustice which would be inflicted by this clause. It appeared by the report of the Committee on

the townlands valuation of Ireland, that it was urged by most of the witnesses that the county cess and the poor-rate be levied together; and that the same principle as between landlord and tenant be applied to both. It would be highly advantageous that both taxes should be collected at the same time, and by one person; for then the tenant would receive compensation for the injury which he would receive from the clause as proposed, by being allowed to deduct half the cess from his landlord. He was obliged to the noble Lord for the observations he had made relative to the emigration clauses; and he (Mr. Monsell) would have those clauses drawn up before the time appointed for the sitting of the Committee. With respect to the question of a maximum rate and a union rate, it would be inexpedient now to discuss a principle which must be opened in the Committee, and which the House ought not to sanction without the most mature deliberation. Although the poor-law question was debated in England for twenty years before the amended law of 1834, he believed that neither Mr. Chadwick nor any person connected with the commission of inquiry had made any suggestion of a maximum rate. At the latter end of the last century such a rate had been adopted in some places, but had always been altered. He did not think it would afford that security for the investment of capital in Ireland which the noble Lord expected, or produce the results he seemed to anticipate. Those results could be produced only by improving the social condition of Ireland; for without some such measures as emigration and diminishing the electoral divisions, so as to give employment to labour, a maximum rate would prove utterly fallacious; and, indeed, it would be found impossible to maintain it. The noble Lord himself almost admitted as much when he said that when the rate had reached the limit, he did not propose any means of supplying the deficiency, for it could not be conceived that Parliament would allow the people in a union, where the rate was exhausted, to starve. It came to this—either the maximum rate must be changed, or recourse must be had to the Consolidated Fund. Nothing could be devised so destructive to self-reliance and exertion as the principle of the maximum rate suggested by this Bill.

MR. SHARMAN CRAWFORD said, he felt the force of the objections to this Bill, and that it would be delusive to suppose it could provide for the poor in Ireland without other measures to prevent the spread of pauperism there. He had hitherto been rather opposed to the principle of a reduced area of taxation, but he confessed that an attentive consideration of the evidence before the Committee had induced him now to think that the only resource they had was such a reduction of that area of taxation as would cause the owners and occupiers of land to feel that by their exertions they could diminish pauperism. Ejectments had much increased, and he was now disposed to try the other system of a reduced area. He felt that some means must be taken to check the alarming spread of pauperism, but this could only be done by a combination of measures. He should be glad to see a valuation made by competent and impartial persons.

SIR D. J. NORREYS observed, that many evictions had been made by the landlords from an apprehension that a change would be made in the extent of the area of taxation, and he declared it to be his opinion that if that change took place, the number of evictions would be greater than ever.

MR. STAFFORD congratulated the adherents of a small area of taxation, and the poor of Ireland, on the speech of the hon. Member for Rochdale. He trusted it would have weight with the Government when a gentleman known as an excellent landlord, and as having devoted his time to the interests of the poor, came forward to declare his conviction that unless the area was reduced, all other ameliorations of the poor-law would be vain. No one denied the difficulty of the question, or that any arrangement of the electoral divisions must be accomplished after strict scrutiny and with due regard to particular circumstances and claims. He regretted that the noble Lord at the head of the Government had not answered plainly the question put to him by the right hon. Member for Northampton, when he asked where, when the maximum had been reached, the remainder of the funds necessary was to come from. He wished very much the noble Lord had answered that question, and the more so, as the history of the Irish poor-law in the matter of liability was quite anomalous. The 1 and 2 Vic., dedicated the whole of the property in Ireland to the maintenance of the poor; but now Government, as if convinced their course at that time had been wrong, proposed to let them off

on easier terms—to compound with them for the payment of 7*s.* instead of 20*s.* The proposal of the Government to fix a maximum for the support of the poor, implied a limit to their number and their wants; and if Government could not fix a limit to either the number or the wants of the poor, he did not see how they could fix a limit to the means for their maintenance. He felt that the question before them was, how much of the property of a country might be dedicated for the support of the poverty of the country, without finally reducing all its inhabitants, both rich and poor, to the same level of misery. He wished the noble Lord had stopped at once with the electoral division as to the amount of rating, for if he reserved to himself the power of coming upon the union afterwards, he asked him what he should do for any thing extra that might afterwards be necessary? Would he resort to the Consolidated Fund or to an income tax for the supply of the extra wants of the poor? In fine, he thought it was desirable to diminish the electoral divisions as a means of stimulating to the employment of labour; and that if the guardians of any union wished to remodel the union, so as to erect new unions, the sincerity of their wish ought to be tested by binding them first to find the money required by the proposed change.

Bill read a second time.

The House adjourned at a quarter before Twelve o'clock.

HOUSE OF LORDS,

Friday, May 18, 1849.

MINUTES.] *Took the Oaths.*—Several Lords.

PUBLIC BILLS.—1ª Land Improvement and Drainage (Ireland); Account of Turnpike Trusts (Scotland); Admiralty Jurisdiction in the Colonies.

2ª Sewers Acts Amendment; Small Debts (Scotland) Act Amendment.

Reported.—Bankrupt Law Consolidation.

3ª Poor Laws (Ireland) Rate in Aid.

PETITIONS PRESENTED. By Earl Somers, from Hereford, for a Reduction of the Public Expenditure, and for a protective Duty against foreign Competition.—From Kilkenny, and other Places, against the Rate in Aid (Ireland).—By the Bishop of Winchester, from a great Number of Places, for the Adoption of Measures for the Suppression of Seduction and Prostitution.—By Lord Stanley, from Brakeney and Clay, against any Alteration of the Navigation Laws.—From Bath, for the Abolition of the Punishment of Death.

FOREIGN INTERVENTION IN ROME.

The MARQUESS of LANSDOWNE said, he wished to make a short explanation of what had fallen from him on a previous evening, in answer to a question which had been put to him by a noble Lord (Lord Beaumont) respecting the affairs of Italy. The noble Lord had asked him whether Her Majesty's Government had received any communication from other Powers relative to any proposed interference in the affairs of Italy; in answer to this, he (the Marquess of Lansdowne) had told their Lordships, that a communication had been made by the French Government to our Government, that it intended to interfere in the affairs of Rome by sending a force to Civita Vecchia, but that no communication had been made of its intention to undertake an expedition against Rome, as it had recently undertaken it. He had further stated upon that occasion, that no regular communication had been made to our Government on that subject by the Governments either of Austria or Naples. In strictness, he was perfectly justified in making the statement that no communication of a formal nature had been made to our Government by Austria, because he found upon inquiry that no record of any such communication was to be found in the records of the Foreign Office. He had learned, however, upon application to his noble Friend the Secretary for Foreign Affairs, that a verbal communication had been made to him by the Austrian Ambassador in this country of the intention of his Government to interfere in the affairs of Rome. The able statesman who now filled that distinguished office had certainly stated to his noble Friend Lord Palmerston, in a conversation which took place twelve days ago, that such was the intention of his Government. He read to his Lordship a communication which he had received from the Austrian Government, explanatory of its intention, and added that that intention was founded on the avowed intention of other Powers to interfere. He (the Marquess of Lansdowne) was not authorised to go further than this—he was not authorised to state what that communication was. He was, however, bound in correctness to declare that such a communication had been made; and further to declare, after having seen it, that it was made in a frank and explicit manner. He thought it right, not only in justice to himself, but also in justice to the Austrian Ambassador, to make this statement; and he had also great satisfaction in making it, as he understood that it would be a satisfaction to the able statesman who now represented the Austrian Government in this country.

The EARL of ABERDEEN was happy

to hear the explanation of the noble Marquess, and had no doubt that it was agreeable to his feelings to make such a statement. He must, however, make one remark upon the position in which the noble Marquess had now placed himself. If the noble Marquess, in answer to the application which the noble Baron behind him had made, for information as to the object and intentions of the Austrian Government in invading the Roman territory, had said that he was ignorant whether any communication had been made or not to the British Government of its intentions, his answer would have been natural and intelligible, although perhaps unsatisfactory; but the noble Marquess had said in a manner the most emphatic and solemn—and no one could be more emphatic and solemn than the noble Marquess when he pleased—that no communication whatever had been made by the Austrian to the British Government. Those were the words of the noble Marquess. Now the noble Marquess asserted that he was in strictness justified in using those words, because no regular and written communication was made, or it would have been found in the records of the Foreign Office. But it should be recollected that the communication of the French Government on this subject was just the same—it was merely verbal—it was not official—and yet that was sufficient, and had been held to be sufficient, to satisfy Her Majesty's Ministers; whereas the communication of the Austrian Government was held not to be regular, though it was made officially, and not verbally, was written and read, and was declared to be in every sense frank, full, and explicit. Furthermore their Lordships must admit that, as the questions of the noble Baron had been printed, and must have been sent to the same quarter with that from which the answer was derived, it was quite unjustifiable that the noble Marquess should have been instructed to give the answer which he had given. He conceived this to be a most unjustifiable mode of dealing with Parliament and foreign Powers. It was not long since he had laid before their Lordships the particulars of a transaction of the same kind, which were very discreditable to the parties concerned in it. He alluded to the publication of an odious accusation against another Power, and to the fact of its having been allowed to circulate uncontradicted throughout Europe for many months, whilst the most conclusive and triumphant refutation of it was in the hands of the parties circulating the accusation. The present was not a case of the same importance, nor likely to produce the same injurious consequences; but he looked upon it as a part of that policy of passion and hatred which had injured the interests of England in so many parts of Europe, and had produced results detrimental to the general tranquillity.

The MARQUESS of LANSDOWE did not rise to add anything to the statement which he had already made, or to revert to any of the remarks which the noble Earl had offered upon a subject which had long gone by, and had often been made a topic of discussion. He only wished to set the noble Earl right on one point. There was only one mode in which a communication from a foreign Government could be regularly made, and that was in writing. There was this difference, too, between the Austrian and French communications. The first had been made verbally in one conversation only. The other, the French, had been made in many conversations, and a copy of the despatch of the French Government had been formally communicated to our Government, and had been formally deposited in the records of the Foreign Office.

BANKRUPTCY AND INSOLVENCY.

LORD BROUGHAM presented to their Lordships the second report of the Select Committee on the digest of the Bankrupt Laws. He reminded their Lordships that, when that Committee was reappointed, it was with a view of enabling certain petitioners from Manchester and Liverpool, who had not been examined before the Committee last year, to point out any objections which they had to his Bill (the Bankrupt Law Consolidation Bill), and to offer any suggestions which they might have for its improvement. They had presented a memorial signed by 197 of the first firms in Manchester, praying to be allowed to suggest certain modifications in the Bill; but when they came to be examined, the parties found that all their modifications had been anticipated. They now expressed their delight and great satisfaction at having been so anticipated. Those 197 firms now prayed their Lordships that no alteration whatever might be made in the Bill, even according to their own suggestions, if the discussion upon them should cause any risk of throwing out so wholesome and salutary a measure. He told them frankly that no delay should they

have upon his part. He did not complain of the delay which had already taken place; for it had produced much good, by producing entire satisfaction with the Bill, not only in London, but also in the provinces. That being the case, he now begged leave to report the evidence, and to move that the Bill, as amended by the Committee, be printed. On Monday next he would move that it be committed.

THE NAVIGATION LAWS.

Lord STANLEY said, in reference to the Bill for the repeal of the Navigation Laws, he would lay upon the table those Amendments which it was his intention to propose when the Bill went into Committee on Monday next. He had no intention, of course, now to enter into a discussion as to the precise nature of those amendments; but he thought it would be convenient to their Lordships if he stated, in a few words, the course which he proposed to take. Their Lordships having decided, by a small majority, that they would enter into a consideration of the details of the measure for the amendment of the law, the object of which was the encouragement of British navigation and commerce, he had felt it to be his duty to examine and consult with others whose opinions on the subject were better than his own, as to whether it was possible for them to assent to any and what provisions of the proposed Bill; and, on the other hand, to consider what modifications could be introduced into the existing law, which would not be inconsistent with the maintenance of that law, nor opposed to the interests of the navigation of this country, while at the same time they would be so framed as to afford relief to British commerce. He must confess, on looking at these clauses, it appeared to him that the amendments which he proposed to move were of such a nature as altogether to alter the frame of the existing Bill. The first principle to which he would direct their attention was this — whereas the Bill of the Government proceeded on a principle of absolutely destroying the existing navigation laws, and then re-enacting a small portion of them, and, further, of acting upon a principle of retaliation in the case of foreign countries which refused to deal with us on terms of reciprocity, by enabling Her Majesty to impose upon them such restrictions and prohibitions as would countervail the disadvantages to which British trade or navigation was subjected by the laws of those countries: now, his principle was exactly opposite—namely, he would maintain the principle of the existing laws; but he would provide that in certain cases in which they received from foreign Powers an intimation of their desire to trade with us on terms of reciprocity, Her Majesty should be authorised to dispense with certain provisions of the Bill, in favour of those nations that would meet them in a reciprocal spirit. He should, therefore, have to propose the rejection of all the repealing provisions contained in the first and second clauses of the Bill. The principle of his amendments to which he had adverted, which he intended to submit, must, he thought, either by its adoption or rejection, influence materially their further proceedings in respect to the Bill. He would therefore take the earliest opportunity of bringing the question fairly before the House. He would propose, that all, after the word "that" in the first clause of the Bill, should be omitted, and that words should be inserted, carrying into effect the principle to which he had adverted—namely, that of enabling Her Majesty, in cases of reciprocity proposed or granted, to dispense with or relax the existing law. The modifications of the existing law which he proposed to introduce, he would immediately afterwards, if he were successful in carrying that Motion, submit to their Lordships' consideration. But the question of repealing these laws, which would be raised upon the consideration of the second clause, would be mainly determined by their adoption or rejection of the principle he proposed to lay down. He would propose to introduce such modifications as would in the first place have reference to their coasting trade, or that which related to Europe; and, in the next, to the more extended trade with Asia, Africa, and America. He proposed to maintain inviolate the support that was at present given to the British shipbuilding establishments, by refusing a register to foreign ships. And he proposed to maintain the apprenticeship system in their coasting trade. In their intercourse with their colonial possessions he proposed to maintain the principle of the existing law, subject to such relaxations as the responsible advisers of Her Majesty might think fit to grant in certain cases; these cases to be specified in the Bill.

Earl GREY said, it would be convenient for the House to know whether the amendments of the noble Lord would be such as to inform them clearly what were

the precise restrictions upon their own shipping, quite irrespective of foreign nations. He meant to say that a large proportion of the restrictions in the existing navigation laws had nothing whatever to do with reciprocity or non-reciprocity. He hoped that the noble Lord would put his amendments in such a shape as would enable the House clearly to understand what was the state of the law which he meant permanently to maintain, what restrictions he intended to continue, what to repeal?

LORD STANLEY said, that when the noble Earl came to read the amendments, he hoped he would be able to understand them. In answer to a question of the Marquess of Lansdowne, his Lordship said he did not consider it was an established practice, or that a noble Lord was bound to give any notice whatever of his amendments. [Earl GREY: Hear, hear!] He was not disposed to alter his opinion in consequence of the significant cheer with which the noble Earl had condescended to honour his observations. He repeated he did not think it necessary to give notice of such amendments as he intended to propose when a measure to alter the law in regard to the most important interests of the country was proposed, and was only carried upon a second reading by a majority of ten proxies. It was not, he thought, a very unreasonable time for a person wholly unconnected with the Government to take a day to consult with those parties whose interests were all at stake as to what modifications might be safely introduced into a measure of this character; he did not think that the noble Marquess could therefore taunt them with any undue delay. On the contrary, he feared it might be possible that many persons whose interests were deeply involved, might not have a sufficient opportunity to consider the effect of the alterations now proposed in a law which had so long been considered the main support of the British mariner.

POOR LAWS (IRELAND)—RATE IN AID BILL.

The EARL of GLENGALL said, after the very full discussion the measure had undergone upon a former occasion, he should not trouble their Lordships with any lengthened observations. He feared that the measure would prove a failure at the very outset. It proposed to raise a sum of 330,000*l.* by means of a sixpenny rate in aid. Now it had been ascertained that at the present time the amount of rateable property in Ireland did not exceed 9,000,000*l.* sterling, and it was evidently impossible that the sum proposed could be raised by means of a sixpenny rate. Besides, there was another Bill which had been brought forward by Her Majesty's Ministers in another place, the object of which was to place upon the great majority of the unions in Ireland a rate of 2*s.* in the pound. It appeared to him that both these Bills should have gone together, and formed one measure. He had a return before him of the amount required in thirteen of those distressed unions, and he believed that the sum proposed to be raised would not be found sufficient. Taking the sum expended in those unions in 1848, and including the amount of grants, loans, and contributions, it would be found that those thirteen unions would sweep away the whole of the 330,000*l.*, and still leave a deficit. Their Lordships had heard a great deal of the opposition with which the measure was likely to be received in Ulster in the event of its being passed into law. The state of feeling in Ulster with regard to it was, he believed, a very dangerous one indeed, and he thought it would be well if their Lordships would take that matter into consideration before they finally gave their assent to the measure. But, however much Ulster might have to complain of the operation of the Bill, it was nothing in comparison with the complaint which Munster would have to make. It was stated that the majority of the unions in Ulster were taxed about 4*s.* 6*d.* in the pound; but he had received a statement from a noble Friend of his, who had recently visited the north of Ireland, and who stated that the average was considerably higher, averaging 5*s.* 6*d.* in the pound. Now, few of the unions in Munster were rated so low as 5*s.*, and he happened to know many in the neighbourhood of Cork in which the rate was as high as 9*s.* 10*d.* and 11*s.* in the pound. But suppose 5*s.* was the average of the rating in Munster, 2*s.* 6*d.* more would raise it to 7*s.* 6*d.*, and whatever right, therefore, Ulster would have to complain, Munster would have a still greater right, as it had already paid more. But there was another point to be considered—out of 130 unions in Ireland, 86 owed last Michaelmas a sum of 268,000*l.*, and were unable to pay off any portion of it, and yet these were what were called solvent unions. In many of these unions there were numbers of the paupers actually dying for want of a suffi-

ciency of food, and yet it was proposed to extract from those unions additional sums of money when they were actually unable to maintain their own poor. He had before stated to their Lordships the perfect impossibility of a country so poor as Ireland being able, after three consecutive years of famine, to support its own poor; and he was justified in making that statement when he found that men whose authority was of considerable weight, and who had advocated the introduction of poor-laws into Ireland, had stated that it never entered into their computation that Ireland, when afflicted by famine, would be called upon to maintain her own poor. With a superabundant population, and a loss of the staple food of the people, none but the merest theorists could have supposed that she would be able to support her own poor. With regard to the present Bill, it was a very curious one. It was a Bill which proposed to work three miracles, and he would venture to say it would break down in all three. In the first place, it proposed to maintain the poor in these 22 or 23 bankrupt unions. He (the Earl of Glengall) maintained that it would do no such thing. The next thing it proposed to do was, that any advances that were made up to a certain amount, to relieve those distressed unions out of the Consolidated Fund, should be repaid through the medium of the sixpenny rate. He doubted that very much; he did not think they would ever see a fraction of it repaid. But the most extraordinary of the three miracles was, that a clause was put into the Bill, which contemplated the possibility of its being a remedy for one of the greatest evils of Ireland—namely, its superabundant population. It purported to aid and assist in emigration, which was one of the most expensive, although one of the best, means of relieving the country of that superabundant population. He ventured to assert that it would not do that. He, for one, was not disposed to object to any reasonable proposition for the relief of the poor of Ireland from the resources of Ireland; but the present measure was altogether a fallacy. Their Lordships would bear in mind that a majority of the Irish Members in the other House of Parliament, and a majority of Irish proprietors in that House, had voted against the measure; and that alone, he thought, justified him in taking the course he meant to submit to their Lordships before he sat down. A noble Lord, whose proxy was generally in the hands of the noble Lords opposite, had, in a letter which he had recently seen, stated that the measure was calculated to peril the existence of the Union between the two countries, and sever the British connexion. He (the Earl of Glengall) wished now to touch briefly upon one or two points connected with the actual condition of Ireland. The landlords—that class which was best abused by those who knew them least—the landlords of Ireland for the last three or four years had not received one half their rent—they had had large quantities of land thrown upon their hands—the most solvent of their tenantry had put their rents into their pockets and had emigrated to America, and that system was unfortunately progressing. The solvent were going out of the country, and the destitute alone remained—a change which rendered the state of the country truly alarming, as the unfortunate persons who had been supported from the poor-rate for the last two or three years, with one allowance of meal per day, had their constitutions so broken down, that the physicians who attended the workhouses thought that multitudes of them would never be in a fit state to labour again. Nor was it to be wondered at that the farmers were leaving the country, looking at the prices which they were about to get for corn and their stock. Sir R. Peel said, in introducing his free-trade measure, that however England might be able to bear them, he very much feared Ireland would be in a very serious dilemma. Never were truer words spoken. In the west of Ireland there were magnificent flour-mills, but they were now standing idle, and had turned off all their hands. The trade with England in flour had employed 100 hands, whereas it now only employed ten. Their Lordships were all aware that the time was when Ireland had a noble trade in provisions. In consequence of changes which had taken place, it was now gone. They used to supply salt beef to the Navy, and enjoyed a colonial trade in that and other articles of her produce; but this was now at an end. Farmers might drive their stock to market, but no one asked the price. The Irish pork trade once produced 1,200,000*l.* a year, but between the famine and free trade, that trade was also at end; the returns from Liverpool last week stated that Irish bacon and pork were perfectly unsaleable, from the great influx of American pork. The same might be said of the butter trade. Her Majesty's Go-

vernment certainly took a most extraordinary view of the condition of the country; for when their own commissioners told them that the country was already overtaxed, the main remedy which they proposed was to increase taxation. This really reminded him of the system of Dr. Sangrado, who, when he was told his patients were dying from overbleeding and hot water, replied that the reason why they were dying was because they had not had hot water and bleeding enough. The only way in which he could account for the conduct of the Government was, that they were acting under the pressure of the Manchester school, who went about preaching that no more advances were to be made to Ireland. The consequence was that the Government said, "We will get rid of this very awkward question by bringing in a measure to tax Ireland. We cannot extract blood out of a stone, but we will bring in this Bill, and when it fails we will come down to the House of Commons and vote for money." If such was not their intention, they were passing sentence of death on the starving poor. He thought he could place this question in a point of view in which nobody had ever put it before. He considered that this was as much, if not more, an English manufacturing question as as Irish one. Ireland, as it was well known, had no manufactures of her own. For many years previous to the famine, Ireland had been in the regular habit of taking between 10,000,000*l.* and 12,000,000*l.* worth of manufactures from England yearly. She was, therefore, not a bad customer to this country. He admitted that there were exports from Ireland very much to the same amount in the shape of provisions. There was real freedom of trade and reciprocity between the two countries, and Ireland was doing remarkably well until she was struck down by famine; nay, he firmly believed that there was not one country under the sun which had made more rapid strides than Ireland had during the ten years before the famine. Every article of manufacture used in Ireland came from England, from a steam engine down to a paltry nail. Everything manufactured from iron, copper, tin, silk, cotton, leather, glass, woollen, and earthenware was supplied by England. From the drawing-room of the Peer to the cabin of the Connemara, peasant-English manufactures were indispensable; even the iron pot in which the peasant boiled his potatoes came from England—if there was a shoe among his family, it came from England also. And who, he would ask, was the loser at this moment in consequence of the distress to which Ireland was reduced? Was it not the English manufacturer? Judging from the returns which he had seen for the last year or year and a half, he was afraid that, instead of 10,000,000*l.*, not more than 2,500,000*l.* or 3,000,000*l.* worth of English manufactures had been consumed in Ireland during that period. Let the Manchester school recollect that their free-trade system had destroyed the Irish market. They had no manufactories in Ireland, and one reason was, that she had to thank a British Legislature for taking away her manufactures. From the time of Oliver Cromwell down to 1782, the Statute-book was loaded with Acts of Parliament prohibiting Ireland from bringing her manufactures to England—nay, prohibiting them altogether, and cutting them up root and branch. In 1782, when there was a Parliament in College-green, England was compelled to repeal those laws; but it was too late, and the manufactures of Ireland never recovered from the blow which had been dealt to them. These were mere truisms; but if any noble Lord had any doubt upon the subject, he would bring down to the House the names of all the different Acts to which he had referred, and prove that Ireland was not only treated as a colony, but as a conquered country. And then newspaper writers, and theoretical writers who travelled through the country, and got their information from waiters and hostlers at inns, abused Ireland for having no manufactures. The Government had brought forward another measure, a Bill to facilitate the transfer of lands in Ireland, and proposed to place all the property of Ireland in the hands of those triumvirs. He considered it a Bill for the confiscation of landed property in Ireland; but he was not surprised at it, for from the time of Henry II. downwards, nothing but confiscation had been going on in that country. Complaints were made against the Court of Chancery that it was too slow. Slow! of course it was; and God forbid that it should be fast in destroying the interests of widows, children, and remaindermen. He ventured to say, that at present the courts of equity in Ireland were presided over by two lawyers of first-rate eminence, whose judgments gave perfect satisfaction to the country, and those courts were as well conducted as the Courts of Chancery

in England. A very deep scheme had been laid to prevent the Government from making advances for Ireland, and it was intended by those who were at the bottom of it, when the land had, by these means, been brought down to a very trifling value, to purchase some portion of the land themselves, and sell it again. If the Legislature wished to facilitate the transfer of land in Ireland, the best mode would be to make some alterations in the proceedings of the Court of Chancery. He recommended their Lordships to keep their eye on this Bill, for they might rely upon it that if the small end of the wedge were now inserted, it would finally uproot the power of the landed aristocracy of England. He called this a measure of confiscation and spoliation—a measure which must separate Ireland from England — a measure which must drive 8,000 Anglo-Irish from the soil, the very men who last year were called the English garrison, and who were the mainstay of the Protestant Church in Ireland. The day that measure passed, their Lordships would, in his humble judgment, destroy the Irish Protestant Church. There were some other points on which he wished to touch; but as he did not wish to fatigue their Lordships, he should do so very briefly. Something had been said about emigration, which might do some good, and he alluded to the subject because the workhouses in Ireland were actually choked with young persons under eighteen years of age. He believed that there were 70,000, 80,000, or 90,000 persons about seventeen years old in the workhouses of Ireland. Then, again, the fisheries in Ireland ought to be encouraged. Drainage, improvements in land, and railways ought also to receive assistance. To show that the people of Ireland had not neglected the duty of self-reliance, he might mention that the city of Waterford alone had raised 100,000*l.* to forward a railway in their neighbourhood. Many hundreds of thousands of pounds had also been expended in promoting railways in Ireland; but he was sorry to say that they were now at a stand, because no assistance could be given to them from the Exchequer Loan Fund. He should be glad to see agricultural schools established in every barony, and very great good might be done by allowing the proprietors of entailed estates to raise money on their property for the improvement of farm buildings. At present the landlords had no such power. He would conclude by expressing a hope that in bringing forward the measure to which he had alluded, the Government would not induce the people of Ireland to think that England had seized the opportunity of Ireland's distress to injure and deteriorate the property of that country. He moved as an Amendment that the Bill be read a third time that day three months.

Lord CREMORNE declared his intention of voting for the Bill, not because he thought it a good one in itself, but because he considered it the best of the two alternatives which had been offered. It was a measure of vital importance to the existence of the western population; and noble Lords who opposed it took upon themselves a very serious responsibility: were they prepared to offer any substitute? The noble Earl who had just sat down had not proposed any substitute for the rate in aid, though an income tax had been talked of in another place. Now he had no doubt that a rate in aid could be collected all over Ireland at a shilling in the pound; but how was it possible to estimate the cost of collecting the income tax? In proportion as Ireland was a poorer country than England, the cost of collecting the tax would be greater. He thought, therefore, that it would be a small consolation to the agricultural interest in Ireland, when they succeeded in imposing an union tax upon the monied classes, to find that the additional income derived from that tax would not relieve the agricultural interest or the poor, but would go into the pocket of the tax collector. Besides, why, he would ask, should their Lordships suppose that there would be less objection in Ireland to an income tax than to the proposed rate in aid? Only 17 out of 105 Irish representatives sanctioned the principle of an income tax by their vote: he thought then that it would have been useless for the Government to press it on the consideration of the Legislature. That being the case, there were only two alternatives: either their Lordships must pass this Bill, or permit the population of the distressed unions to perish. He had felt a degree of reluctance in urging these views in opposition to the opinions entertained by many of their Lordships who were connected with Ireland; but he felt that he was bound candidly to state the reasons which induced him to vote in favour of the Bill.

The Earl of DESART said he could not think that their Lordships were called upon to find a substitute for that measure,

if they should think fit to reject it. It was the business of Her Majesty's Government to propose to Parliament the means by which it would be desirable, in their opinion, to meet any national emergency; and it was the duty of their Lordships to reject their proposals if they should believe them to be unjust or inadequate; while they could not be held responsible for the consequences of their having discharged their duty. He was surprised to hear it said that they might as well take one tax as another for the purpose of meeting the existing distress in Ireland; because one tax might be unobjectionable, while another might be open to various objections. He believed that the proposed rate in aid was a most unjust and impolitic measure; and, indeed, if he had had any doubts upon the subject, those doubts would have been removed by the speeches of those noble Lords who had supported the Bill on a former occasion. Those noble Lords had all admitted that the measure was contrary to all sound principles, and had only attempted to justify it on the ground that it had been devised for the purpose of meeting an emergency which made a departure from all ordinary modes of proceeding not only expedient but inevitable. But those noble Lords themselves had confessed that the Bill would be inadequate to the attainment of its proposed object. His noble relative, the noble Marquess opposite, had frankly admitted its inadequacy. Now, he (the Earl of Desart) could understand the conduct of a physician who, in a case of great emergency, should administer a dangerous medicine which might be productive of beneficial consequences; but he could not understand how any physician could administer a dangerous medicine when he was himself aware that it could lead to no good whatever. He certainly could not approve of the policy of Her Majesty's Government in dealing with the great crisis which had arisen in Ireland. He found that after three years of that crisis they were then called upon to meet the distress of that country by a measure which, according to the admission even of its supporters, was objectionable in principle, and would in its results be inadequate; while they had brought forward no measure for effecting one of the most desirable of all improvements in the Irish Poor Law, by limiting the area of taxation. The Bill then before their Lordships would, on the contrary, extend the area of taxation to the utmost limits of the island. By doing so, this Bill would, he believed, reduce the industrious and prosperous districts of Ireland to a level with those who were suffering such fearful distress and ruin; and it would render those now in a state of degradation and misery unwilling to exert themselves to improve their condition; and he should therefore feel it his duty to support the Amendment.

The EARL of MOUNTCASHEL felt that it was a duty which he owed to his country to speak out fully his opinions at this stage of the measure. After hearing the evidence of the various witnesses who had been examined before the Committee of their Lordships, who stated that in their opinion the measure would not work—that it would not produce the amount required—that it would be productive of the most evil effects upon the country—and that it would lead to passive and in some cases to active resistance; and while, on the other hand, no evidence whatever had been adduced in favour of the Bill—he confessed that he was perfectly astonished at the conduct of the Government in pressing forward a measure which by the great majority of the Irish representatives in both Houses of Parliament—which the Irish press of every shade of politics, and the Irish people of every class and from every quarter, no matter of what politics—was considered to be so injurious and so detrimental to the welfare of Ireland. Upon the division on the Bill in one of its previous stages, every noble Lord connected with Ireland, and independent of the Government, had voted against the Bill. There was no precedent for the adoption of such a course either in this or any other country. He would, however, tell their Lordships of two precedents, which might, perhaps, be considered of importance. It was a fact that in Egypt one of the pachas, who was a despot, had imposed a heavy land tax over the whole of Egypt. He found that some parties were unable to pay the tax, and he tried the experiment of compelling those parties who had paid to make up the deficiency. The result was, that instead of the dissatisfied part being benefited, the previously flourishing part fell into a state of decay; the whole country had been impoverished, and the tax had become inoperative. A similar case occurred in India. The East India Company imposed a heavy tax upon cultivated land in that country, and it was then found that in some particular parts the cultivator of the soil was unable to pay the

amount of taxation. The East India Company compelled the other districts to make up the amount, and the same result followed, and the whole country had gone to ruin. Those were the only precedents he could find for the course now pursued by Her Majesty's Government, and for which they were now so restlessly endeavouring to obtain the approval of Parliament. Her Majesty's Government themselves knew that this measure would not meet the wants of even the twenty-one distressed unions for whose relief it had been principally framed; and they had it from the mouths of their own witnesses that there were numbers of other unions which were upon the very verge of destitution, and which were struggling hard to maintain their own paupers. The effect of imposing a rate in aid upon those struggling unions would of necessity be to increase the list of the insolvent unions, and to add to the distress of the country. It had been said in the course of this debate that there were 100 unions in Ireland in a state of difficulty. Now there were but 131 unions in the whole of Ireland; and the result of passing this measure would consequently be to throw the rate in aid upon thirty-one of the unions. He did not think that there would be found to be even so many as thirty-one unions able to pay the rate in aid. He was the more convinced of the inadequacy of this measure when he remembered the extreme distress which prevailed in many of the Irish unions. In the workhouse of the union of Fermoy, with which he was connected, there had been, since the 1st of January of this year down to the present time no less than 1,225 deaths. A large portion of the rates which had already been struck could not be collected. In spite of all the efforts of the guardians they found themselves perfectly unable to meet the destitution which existed in that union. There were upwards of 3,000 in the workhouse, and if they could find accommodation for 6,000, it would scarcely be sufficient for the people. When they considered this state of things—and this union was but a fair sample of the others — to what conclusion could they come, but that this measure would prove most disastrous? In many of the unions of Ireland they were perfectly unable to collect the present amount of rates. The Government might impose upon them additional taxes to any amount they pleased —10*s.* or 20*s.* in the pound, if they pleased; but they would never be able to collect them. The measure was nothing more than a delusion practised upon the English people, for they would never be able to collect the proposed rate. He could assure their Lordships that although they might order that a further rate should be struck in Ireland, that rate could never be collected in many districts, as there was no money with which to pay it. The failure of the potato crop in several successive years had, in fact, reduced Ireland to a most prostrate condition. He believed the amount of that failure might be fairly estimated at 60,000,000*l.*, even though each stone of potatoes were only valued at 2*d.* He believed that upwards of a million of tons of human food had been imported into Ireland, for which hard cash had been paid, so that the total loss to that country caused by the failure of the potato crop could not be estimated at less than 90,000,000*l.* sterling. The fact at present was this, that money had disappeared altogether from that country. One hardly saw a sovereign in circulation. Even the silver was disappearing, and the amount of the circulation of the bank notes also, thanks to Sir Robert's Peel's Bill of 1844, had become considerably lessened. The circulation of the country had fallen from 7,000,000*l.* to 4,000,000*l.*; and indeed there was not enough of money afloat to meet the wants of a population of 8,000,000. How then, he would ask, were poor-rates, or rates in aid, to be paid, if there was not a sufficient circulating medium in the country? Formerly, a farmer might settle with his labouring man by letting him a small cottage, or a piece of ground, and allow his rent for wages; but that was not the case now. The farmer was now obliged to pay his labourer in the English way, and the consequence of the present state of things was that he was totally unable to give any employment, because there was no money in circulation in the country. The result of all this was, that the lands were going out of cultivation; credit was destroyed; no man could get credit now, no matter what number of acres he possessed; the solvent part of the population and the small farmers were all leaving the country, and in a short time there would be only two classes of people left in Ireland—the landlords and paupers —and there would be hardly any rate-payers left. He had opposed that measure before, and he would oppose and protest against it still, because he firmly believed it would be a total failure.

Lord STUART DE DECIES said, that the question before their Lordships seemed to resolve itself into an extremely narrow compass. It was simply this—whether the poor of the bankrupt unions of Ireland were to be preserved from starvation; and if so, what description of taxation or fund could be raised for that purpose. Many of their Lordships had been particularly lucid in pointing out the defects of this measure, but none of them had pointed out a better mode; and the obvious inference from that was, that they had nothing better to propose; and if that were so, they were bound to support the measure now proposed by Her Majesty's Government. The noble Earl near him (the Earl of Wicklow), had, however, proposed a substitute, in an income tax. The same proposition was, he believed, made in another place, by some of the Irish Members. The noble Lord at the head of the Government took them at their word, called a meeting of them, and positively offered the alternative of a rate in aid or the income tax. When, however, the alternative was left to them, they begged leave to consider the proposition at a more convenient season. Having recently arrived from Ireland, he could confirm the account of the state of the country, and of the terrible destitution referred to by the noble Earl at the commencement of the debate. The present distress of Ireland was infinitely greater than it had been at any former period. The noble Earl opposite (the Earl of Glengall) had referred to the utter want of all business as furnishing a decisive test of the existing destitution. A better test could not, in his opinion, have been adopted. The farmers who were in the habit of attending the fairs with their stock could not find purchasers for it, and consequently could not pay their rent; and the tradesmen complained generally of the total stagnation of business. So far, however, from this being an argument against the measure, he believed that exactly in proportion to the amount of distress in the country, was it necessary to select that measure which promised to throw the least possible additional burthen upon the resources of the country; and he would state fearlessly, that the measure now proposed by Her Majesty's Government was caculated to throw a much lighter burden upon the people of Ireland than the one proposed by the noble Earl. It was stated in the course of the debate upon the second reading of this Bill, that in the event of this Bill being thrown out, 10,000 persons would probably perish in the next few weeks. He did not believe that number to be exaggerated; on the contrary, he thought that there would be even a greater number than that, who would perish in consequence; and he, for one, was not prepared to share the awful responsibility which would attach to a vote that should produce such disastrous results. He would, however, throw out one observation which he thought it would be worth while for Her Majesty's Government to take into serious consideration—which was, that they should show a little more forbearance in demanding the repayment of advances under the Temporary Relief Act, than they had hitherto done. He had the honour of being connected with an union in the south of Ireland, in the county of Waterford, which was indebted in the sum of 12,000*l*. The demand made for repayment amounted to two-thirds of that sum; if that demand had been enforced, they would have been compelled to close their workhouse, and to discharge some 4,000 or 5,000 paupers. He believed that if the repayments were spread over a great number of years, it would give greater satisfaction to the people, and perhaps tend to disarm a little of that hostility which was felt generally throughout the country against this measure.

The Earl of WICKLOW said, that the noble Lord who had just sat down had entirely misunderstood his position in reference to this measure. It was quite true, that in conjunction with the opinions of every man with whom he had conversed upon the subject of this measure, with every Member of the Administration, with the private statements of individual Members of their Lordships' House who had voted in favour of the measure, he had in that House condemned the measure which Her Majesty's Ministers had proposed, and he had endeavoured to suggest to Her Majesty's Government other means by which they could have raised a fund in a more constitutional and satisfactory mode, for the purposes for which this measure was intended, than that proposed by this Bill; but he never ventured to propose to their Lordships that they should adopt an income tax as a substitute for this measure. An income tax for the relief of the poor would be received in Ireland with equally as much odium as the present proposition. What he did suggest, and what he repeated, was, that in order to prevent this dangerous experiment being carried out—this innovation upon the prineiple of law—this new system of taxation, condemned even

by those who proposed it—they ought to act upon a fair, honest, and legitimate principle—they might impose an income tax for the purpose of equalising the taxation of the two countries, and then if they were to have a rate in aid, that it should be one levied upon the whole revenue of the united kingdom, and not upon any one particular portion of it. The English representatives in the other House refused to sanction that principle, because, as they said, Ireland did not contribute her fair share of taxation as compared with this country. Whether that assertion were well founded or not, he would not then stay to inquire. There were persons, however, who were more intimately acquainted with the subject than he was, who entertained a totally different opinion. He would, however, undertake to say, that if their Lordships had had an opportunity of examining the evidence recently given before a Committee of that House, they would find that the assertion that Ireland did not contribute a fair proportion of revenue to the State, was totally and entirely erroneous. He would, however, admit that Ireland, not being subject to the income tax, and that tax having been imposed upon this country since the period at which the calculation of the proportion of revenue to be paid by Ireland had been made, it was his opinion that the income tax having been introduced into England, should also be introduced into Ireland. Let them first impose an income tax upon Ireland for the general exigencies of the State, but not for the relief of the poor, and then adopt the fair, honest, and proper principle, to which no person could object, that if any part of the united kingdom was in such a state of destitution as to require the necessity of a rate in aid, such rate in aid should come from imperial resources. It was upon those grounds alone that he made the suggestions to Her Majesty's Government; but so fully was he persuaded that this measure would work badly, that even in the last stage of the Bill, he would conjure Her Majesty's Government to pause before they proceeded further with the measure. The noble Earl who moved the second reading of this Bill, appeared to support it only upon the grounds that the amount proposed to be received by the measure was a small one, and that its duration would be but for a short period. The noble Earl evidently calculated upon remaining in office, so as to be enabled by his influence to prevent the renewal of the Bill at the expiration of the two years for which this measure was to remain in operation. But could the noble Earl depend upon that? If the free-trade principles adopted by the present Ministry were to prevail, could they count upon any long tenure of office? Suppose they were to have a Cobden Ministry—he did not suppose that Mr. Cobden would at present have the honour of a seat in that House; but suppose my Lord Roebuck, as Secretary of State, getting up and proposing the continuance of the rate in aid for two years more; and suppose that proposition to be supported by some Members of the Manchester school, of whom they had heard something to-night from the noble Earl opposite (the Earl of Glengall), how would the noble Earl receive that proposition? One thing, however, he did not consider absurd, which was, that whether his noble Friend should or should not be in the Administration, the renewal of this measure would, two years hence, be propounded; and he believed that it would not be in the power of the Government to relinquish the measure, as the Bill now passing through its stages in the other House would, in his opinion, render its continuance unavoidable. Upon the discussion on that Bill, it was reported in the public papers that a question was put to the First Lord of the Treasury, asking what the Government intended to do after the maximum rate of 5*s*. and the rate in aid of 2*s*. were exhausted. What was the answer? The answer was, "We will fall back on the state of things before the poor-law existed." What was that state of things? In the first place, the country then was comparatively wealthy; and it was more than wealthy—it was the most charitable country on the face of the earth. But where is the charity now on which to fall back? They must fall back on the utter destitution of the country, and be driven to renew their rate in aid. If they should find the Commons of that day—two years hence—(seeing they had already succeeded in throwing the burden off their own shoulders) as ready to perform the same service for their constituents again, the result must be starvation in Ireland, or the renewal of the rate in aid. His noble Friend the Postmaster General had told their Lordships that if they did not pass this Bill, 10,000 persons would starve; but that was utterly impossible—it was an argument *ad captandum*, and the noble Lord could not have reflected much on the subject; but, at the same time, it was utterly impossible that Parliament could separate

before passing some measure of relief for the people. The measure which he (the Earl of Wicklow) had pointed out, was the most effective that could be framed; and he trusted and hoped that even at the eleventh hour they would reject the measure before the House, and give to the Government an opportunity of introducing a measure more consistent with sound principles and their own opinions of what was just.

The Earl of ROSSE thought it was no light thing to pass a measure which was likely to produce in Ireland—the north of Ireland especially—a feeling of disaffection to Her Majesty's Government. The people of the north had been always amongst the most loyal subjects in the country, and had evinced their determination, on a recent occasion, to aid the exertions of Her Majesty's Representative in Ireland. It would be utterly impossible to explain to the farmer in the north of Ireland the justice of inflicting this tax upon him; and were it not for the strong feeling of loyalty by which that body is actuated, it would have been almost utterly impossible for Lord Clarendon to have got through the difficulties he had surmounted. The noble Lord who spoke last but one had adverted to the great calamity by which the people of Ireland had been visited; but were they therefore to destroy the state of things that now exists in the north of Ireland? That state of things was created by the frugality and industry of the people; and it was impossible to expect that men who had produced their present prosperity by the exercise of those eminent qualities should make a provision for the rest of Ireland. Acquainted as he was with men in the north of Ireland, he could not consent to give a silent vote on this occasion.

The Earl of CARLISLE having had an opportunity, by the indulgence of their Lordships, of making a very lengthened statement of the reasons which had induced him to support the present Bill, and of stating very fully the grounds on which Her Majesty's Government urged this measure upon their immediate consideration, he felt it would not now be necessary for him to occupy much of their attention. And as it appeared to him that the proposition to which he now asked their assent rested on a very simple basis, though one, at the same time, of most irresistible urgency, he felt he could do nothing in this last stage of this, if unusual, yet, as it appeared to him, most indispensable measure, but declare (while fully admitting its unwelcome character) his conviction of its absolute necessity. With respect to the objections that had been urged, both on a previous occasion and during that night's discussion, to the measure before them, they had not sought to deny the faults which, to a certain extent, attached to it. His noble Friend the President of the Council had stated to their Lordships that it was the opinion of himself and his Colleagues, that this measure could only be justified by what they considered a serious, unprecedented, he might say unparalleled, emergency; but he added that it would be followed by other alterations in the existing poor law, and that the operation of this measure should be strictly limited to the period assigned to it in the Bill. The noble Earl who spoke behind him had hinted at the possibility of his noble Friend the President of the Council not being, when that period arrived, a Member of Her Majesty's Government. He (the Earl of Carlisle) could only say, that if by any misfortune they should be deprived of the assistance of the noble Marquess in the Government to which he was so much a strength and an ornament, he trusted that their Lordships would remember that the same announcement of the same determination respecting the duration of the measure had been made in terms as explicit by the head of the Government elsewhere. The noble Earl had held out to their Lordships the terrible prospects that might follow the destruction of the Administration, and had shadowed forth the sort of persons that might succeed them; but he (the Earl of Carlisle) could not think that visionary and far-fetched apprehension could be matched with the awful certainty with which they had to deal. Her Majesty's Ministers asked the sanction of their Lordships on the final stage of this measure, on the ground of its urgent, awful, and unsurmountable necessity—he could not qualify it with words less strong. It might be said that they might go on as they were now going on, issuing sums of money; and, what sounded still more strangely to his ears, they had been told that the scruples about advancing money without the authority of Parliament (the House of Commons being at the same time in full Session) was mere constitutional twaddle. How the shade of Rockingham would be astonished at the suggestion! But as the matter had been referred to, he would state explicitly, and his Colleagues in the House of Commons

had already said enough to render it unnecessary for him to do more than to repeat his former declaration of opinion, that it would be inconsistent with the duty which the responsible advisers of the Crown owed to the country, if they were to have advanced money under any other than a full understanding that the Bill now before the House was, with the least possible delay, to become the law of the land; and now, until it should become law, he did not think that the Government could safely proceed a single step in the advances necessary for the poor of Ireland. For himself, he must be permitted to say, that although he could not consciously abandon a large number of his fellow-countrymen to all the horrors of starvation, he still did not see his way very clearly how that appalling result could be prevented, if the Bill now before their Lordships were to be rejected. A noble Earl had referred, in the course of the discussion, to an income tax; but no one seemed inclined to further that proposition. The noble Earl had stated with perfect truth that his view of a substitute that might be suggested, was not to propose a property tax for the actual relief of the poor in Ireland, but that with a view to equalise the taxation of the two countries a property tax should be levied in Ireland, and paid into the Consolidated Fund, and that the relief of Irish poverty should be provided for by issues from the imperial exchequer. There was nothing unfair in that proposition, and it was one the Government would not be averse to entertain, if they thought they had a prospect of carrying it through with any success. But even supposing the objection to the imposition of a property tax in the present circumstances of Ireland could be got over—admitting there was time in the remainder of the Session to pass the Bill—he would put it to their Lordships whether now, when the other House of Parliament was engaged in the anxious consideration of other measures deeply affecting the permanent prosperity of Ireland—when they were engaged in discussing the alterations it might be proper to adopt in the poor-law, and whether any regulations could be made to facilitate the transfer of land, a subject alluded to in terms of alarm by the noble Earl who commenced the discussion that night, and who uttered a solitary expression of disapprobation against that measure—when the other House of Parliament was engaged in the consideration of other important subjects, tending, he trusted, to a salutary solution of the state of distress in which Ireland is involved—would it be wise, or would it be prudent, to throw before them such a bone of contention as the propriety now, for the first time, of imposing a property tax on Ireland? With regard to the efficiency of the present measure to meet and counteract the distress of the Irish people, he could only say that the Government had brought it forward with the hope that it might be effectual; but as to declaring that this measure, or any other measure, could be pronounced to be adequate for the distress of Ireland, it was impossible for any human foresight to make that calculation. It must depend on a great variety of circumstances, on the nature of the general harvest, particularly the nature of the potato harvest in this and the next year. There were circumstances to which he need not call attention, which in one mode or other must disturb such anticipations or calculations. It might be affected one way or the other by the amount of emigration, or, in a more painful way, by the prevalence of disease and by the rate of mortality. The noble Earl who had opened the night's discussion said that they proposed to effect three miracles by means of this Bill; but he could assure him that Her Majesty's Government did not attribute any miraculous powers to the measure; and so far from expecting that it would be brought into operation as a miraculous agent, he should feel no surprise even though all the probable results should fail to be realised; but they had brought it forward with an honest intention, as the readiest means at hand, to meet an appalling emergency. In that hope they proposed it as the best measure that under the circumstances they could hope to carry, or hope, when carried, to bring into effective operation; and he would put it to the humane consideration of their Lordships not to shut the door to any measure of relief that was ready furnished to their hands. The noble Earl who spoke opposite, had borrowed an illustration from Egypt, more recent than the times of the Pharaohs, and said that when two districts in Egypt were much impoverished, the Pacha called upon the third to supply the deficiency; but if the doctrine had then been carried to the full length which the opponents of the Bill now demanded, the whole of the Ottoman empire would have been taxed for the relief of that single Egyptian province, because Egypt was held to be an integral portion of the Turkish dominions. Another noble Earl opposite had told them that Her

Majesty's Government were responsible for the proposition of the measure; but those who opposed it were responsible for the decision they came to. The proposition of Her Majesty's Government was caused by the existence of distress of a most appalling character; and upon their Lordships would lie the responsibility of opening the door of relief, or rejecting this measure. Let it not be thought that he wished to use the language of threat in their Lordships' House: very different was his intention. During the debate upon the present question they had heard much said on the subject of the poor-law generally. At one time there was an objection to the administration of the poor-law—at another to the extension of out-door relief. Accusations were made sometimes against the Government, sometimes against the Poor Law Commissioners, sometimes against the priests, and sometimes against the people. He had no doubt that all those parties might have fallen into errors, and he lamented the mistakes that had been committed; but in the present case, at least, there could be no doubt that every effort of legislation and government proved almost powerless—that the events taking place in Ireland seemed to depend upon a higher agency and a more powerful control than that of man. As in "the tale of Troy divine," where these pregnant lines which attribute the fatal course of events to divine control, may be lawfully transferred to what, under a true faith, we now impute to the immediate interference of an overruling Providence:—

"Non tibi Tyndaridis facies invisa Lacænæ,
Culpatusve Paris; Divûm"—

he used the reading of Dr. Bentley, almost as much inspired as the original:—

"—— Divûm, inclementia Divûm,
Has evertit opes, sternitque à culmine Trojam."

It was in the face of this Heaven-sent calamity, this blight of nature—this suspension of the usual productive qualities of the soil, which, however increased by other causes or aggravated by other symptoms, had reduced Ireland to a state of suffering and despair that never before was exhibited even in her own disastrous annals—it was under those circumstances that while he admitted the undue amount of pressure that was thrown upon the other districts of Ireland—while he did credit to the laudable exertions which for the first time under the new poor-law she had been called upon to make—he would call to their mind that to meet this sudden desolation the Imperial Treasury had already poured out advances amounting to 10,000,000*l.* sterling — that private benevolence had supplied 1,500,000*l.* more—that there was not a dependency or colony of the British Crown that had not given contributions—and that even foreign countries had swelled the stream of golden bounty to relieve the distress and suffering of Ireland. Under these circumstances he did not think it could be a permanent source of ill-will or hostility in the Irish mind that in such a state of things they should call upon the more favoured districts of Ireland to contribute 6*d.* in the pound—to contribute a sum with respect to which one of the complaints was, that in the whole period of two years it was not likely to amount to more than one-half a million—to contribute this limited sum for a limited time, with a promise not to renew it, in aid of their famishing fellow-countrymen, and for the relief of a calamity for which they had received such general and universal sympathy from every other possible quarter.

Earl FITZWILLIAM supposed that it was because Her Majesty's Government were unwilling to excite hostility and dislike in the Irish mind, that they did not venture to suggest the infliction of a property tax on Ireland. His noble Friend rejected the idea—he trembled at the idea of imposing a property tax on Ireland; his noble Friend chose rather to incur that dislike which is present and active, and to endeavour to impose, not upon the property of Ireland but on the poverty of Ireland, this rate in aid. Their Lordships would recollect that the property tax would be levied on property alone, but the rate in aid now proposed to be levied would be levied upon poverty as well as upon property. Did not his noble Friend know, or if he did not know, there were others who could inform him, that amongst the humbler class of ratepayers in Ireland, there were many persons in as deplorable a state as those receiving relief? And yet from such persons as these it was expected by means of the Bill now before them to extract a sum of 320,000*l.* But then his noble Friend told them that the measure was only to last for the next two years; but his argument merely came to this—his noble Friend used it as an inducement to pass this Bill. But what would this Bill do? It only professed to produce 320,000*l.* in the present year; and yet his noble Friend, at the same time, told them that no human being could anticipate what the demand would be that they would be called

upon to meet. His noble Friend told them that the necessity of the case was urgent and imperious, and no doubt it was; and if he (Earl Fitzwilliam) thought there was no other alternative, why then he would be undoubtedly driven, under this dire necessity, to vote in favour of this measure. His belief, however, was, that if this Bill did not pass, not a human being more in Ireland would perish. His noble Friend had said that hundreds and thousands of persons were at this moment perishing from want, notwithstanding the poor-law; and he (Earl Fitzwilliam) thought they would perish notwithstanding the rate in aid. The effect of the measure would be, that instead of relieving the distressed unions, they would reduce all the unions in Ireland to a common level, whatever that might be. Whatever might be the general rate necessary for maintaining the poverty of Ireland, the effect of the Bill would be to reduce the whole of the country to the same rate of payment. That would be a very great evil, and have a great tendency to prevent the due administration of the law. In many quarters in Ireland the law is now administered in different degrees—in some it is well administered, in many it is moderately administered; but the effect of this measure must be to cause a common level of pressure all over the country. Many thought that the effect of this measure must be to throw all the unions of Ireland under the administration of paid guardians, and he was not going to dispute the fact. It might frequently happen that the substitution of paid guardians instead of the original guardians might be attended with benefit; but though he admitted the substitution of vice-guardians, in many instances, had been an improvement in the administration of the law, he was still of opinion—and he apprehended that everybody connected with Ireland would agree with him in the opinion—that it would be a very great misfortune to the administration of the poor-law, if other portions of the country were to be thrown into the hands of vice-guardians. The system of appointing vice-guardians was rather an unconstitutional one. The noble Lord was very much shocked at the notion of advances being made without the consent of the House of Commons; but he (Earl Fitzwilliam) begged leave to say that hereditary constitutionality was quite as much shocked at the idea of those vice-guardians, having no connexion with the country, but sent down from Dublin by the Poor Law Commissoners, being empowered to determine the amount of rate, and to levy the rate, and, in default of payment of the rate, to distrain the person that ought to pay the rate. That was as unconstitutional on a small scale as it would be unconstitutional on a large scale to give money without the will of Parliament. He always thought that taxation and representation should go hand in hand; but were that the history of the present Bill, where was the representation? Out of the 105 representatives from Ireland in the Imperial Parliament, no less than 80 Members voted against this Bill. There was, therefore, taxation without representation. There was another alternative referred to, which was not taken into consideration; he alluded to that which had reference to a property tax. When in the Committee that was appointed to consider the Irish poor-law, he had moved a resolution pointing out that it would be better to impose an income tax on Ireland; a considerable majority of the Committee voted with him; but he was a little surprised when he found that his noble Friend now sitting at the table was one of those who voted against the proposition. He (Earl Fitzwilliam) begged leave to say, that when the alternative was between one mode of taxation and another, or rather when there were two modes of taxation suggested for the purpose of relieving the destitution of the country, the odium of opposing the second alternative was much greater than that of opposing the first. He would oppose this Bill because there was another alternative; but if this Bill were thrown out, he would then most undoubtedly feel himself bound to support some other alternative. He would put the matter in this way. Suppose they were first called upon to discuss the question of a property tax or starvation, and that the House had thrown out the measure for a property tax, why then the case would be very different. It would be a question whether, under the circumstances, their Lordships would be justified in opposing the rate in aid; but it is now the first alternative proposed, and they felt there was a better alternative; and if the House should reject this Bill, they would be prepared to support what they considered to be the better alternative. If his noble Friend would try the experiment, he would find that there would be very little opposition to the second proposition. He (Earl Fitzwilliam) had not the slightest doubt that if his noble Friend were to withdraw this Bill at the eleventh hour, a substitute would be

found, and that substitute none of their Lordships would feel themselves justified in opposing. He would take the resposibility of voting against this measure, with confidence, in so doing, that he would not risk the life of one single person in Ireland; for if the measure were rejected, a week would not elapse when Her Majesty's Government, cast upon their own resources, would very easily find a substitute to which no man could make any objection.

On the Question that "now" stand part of the Motion:—Content 37; Not-content 29: Majority 8.

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Lansdowne.	St. Asaph
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EARLS.	LORDS.
Bruce	Byron
Bessborough	Camoys
Burlington	Campbell
Camperdown	Cremorne
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Glengall	De Ros
Lonsdale	Polwarth
Lucan	Templemore
Mountcashel	Vaux

Paired off.

FOR.	AGAINST.
Earl of Yarborough	Earl of Enniskillen
Earl Fitzhardinge	Lord Sandys
Earl of Effingham	Earl of Waldegrave
Bishop of Durham	Lord Rossmore
Lord Portman	Lord Egmont
Archbp. of Canterbury	Lord de Freyne
Earl Spencer	Earl of Ellenborough
Earl of Zetland	Viscount Lorton
Earl of Scarborough	Earl of Sandwich
Lord Poltimore	Earl of Wilton
Earl Cornwallis	Viscount Beresford
Earl of Suffolk	Viscount Gage
Earl of Sefton	Earl of Malmesbury
Duke of Devonshire	Marq. of Londonderry
Lord de Mauley	Lord Southampton
Earl of Lovelace	Lord Grantley
Lord Sudeley	Lord Stanley
Viscount Ponsonby	Earl of Selkirk
Lord Colborne	Earl of Ranfurly
Viscount Clifden	Lord Brougham
Viscount Hardinge	Viscount Combermere
Earl Fortescue	Lord Redesdale
Lord Montfort	Lord Colchester
Earl of Cawdor	Earl of Bandon
Earl of Morley	Lord Downes
Lord Elphinstone	Earl Nelson
Marquess of Donegal	Earl of Cardigan
Lord Crewe	Marquess of Abercorn
Duke of Bedford	Earl of Eglinton

Resolved in the *Affirmative.*

Bill read 3ª accordingly, with the amendments; further amendments made.

Bill passed.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, May 18, 1849.

MINUTES.] PUBLIC BILLS. — *Reported.* — Parliamentary Oaths; Defects in Leases.

PETITIONS PRESENTED. By Sir R. H. Inglis, from Maidstone, against the Parliamentary Oaths Bill. — By Mr. Muntz, from Birmingham, for Universal Suffrage.—By Mr. G. Hamilton, from Grangegorman, for an Alteration of the Church Temporalities (Ireland) Act.—By Sir John Hope, from the County of Edinburgh, against the Marriages Bill.—By Mr. William Fagan, from Cork, for an Alteration of the County Cess (Ireland) Act.—By Mr. Cobden, from Hertford, for Reduction of the Public Expenditure, and for Reform of Parliament.—By Mr. Hodgson, from Carlisle, respecting Taxation of Railways; and from Carlisle, for the Suppression of the Slave Trade. —By Mr. Aglionby, from Ellenborough, for the Copyholds Enfranchisement Bill.—By the Marquess of Granby, from Stamford, for an Alteration of the Law respecting Freemen's Lands.—By Mr. Foley, from the Guardians of the Bromsgrove Union, for an Alteration of the Poor Law.—By Mr. Anderson, from the Parochial Board of Sandsting and Aithsting, in Shetland, for an Alteration of the Poor Law (Scotland); and from Kirkwall, against the Registering Births, &c. (Scotland) Bill, and Marriage (Scotland) Bill.

PRIVILEGE—PRESENCE OF STRANGERS.

MR. J. O'CONNELL: Mr. Speaker, I beg to give a notice upon a matter concerning the privileges of this House, connected with the last discussion upon the Parliamentary Oaths Bill. In consequence of having seen in the *Times* newspaper another breach of the privileges of this House by a report of the last discussion upon the Parliamentary Oaths Bill, in which report not only were the rules of the House violated, but the arguments of some Catholic Members were entirely omitted, whilst the arguments against them were duly reported, I shall, to-night, when the discussion upon the Parliamentary Oaths Bill comes before this House, endeavour to ascertain if there be strangers present, and if I find

that to be the case, I shall draw the attention of the House to that fact.

CONVICTS IN VAN DIEMEN'S LAND.

SIR W. MOLESWORTH asked the hon. Gentleman the Under Secretary for the Colonies, whether it was the intention of the Government to send any more convicts to Van Diemen's Land? Also whether any despatches had been received from the Governor of that colony to the effect that there was no more room for convicts there? If so, would there be any objection to lay them upon the table?

MR. HAWES replied, that it was the wish of the Government to send to Van Diemen's Land as few convicts as possible, and those only at right and proper times, under strict regulations; but he could give no pledge as to the intentions of the Government to cease sending them. With regard to the question relative to any despatches from the Governor, indicating that there was no more room for convicts there, none had been received to which such an interpretation could be given; but as he was about to lay upon the table a fresh collection of papers relative to transportation, his hon. Friend and the House would be able to put their own construction upon them.—Subject at an end.

AFFAIRS OF SICILY.

MR. BANKES said, he had given notice to the noble Lord the Secretary of State for Foreign Affairs that he would put two questions to him to-day respecting certain transactions relative to Sicilian affairs; but as the noble Lord was not in his place, he would ask it from the noble Lord at the head of the Government. In answer to a former question which he (Mr. Bankes) had put, the noble Lord the Secretary for Foreign Affairs stated that the united Cabinet of the United Kingdom of Great Britain and Ireland recognised the separate Government of Sicily, independent of the Government of the King of the Two Sicilies. He now wished to know from the noble Lord whether the Cabinet still recognised an independent Sicilian Government—that was, a Government independent of the Government of the King of the Two Sicilies?

LORD J. RUSSELL said, his noble Friend, so far as he recollected, had stated that there was at the time a negotiation being carried on with the *de facto* Government of Sicily. That *de facto* Government no longer existed, and he believed there was no organised Government there.

MR. BANKES said, the noble Lord the Secretary for Foreign Affairs having arrived in his place, he would put another question to him. It was, whether the noble Lord was aware that, as the result of the permission given by him to transport ordnance from Her Majesty's stores for the avowed use of the Sicilian insurgents, and of the encouragement given to those parties who formed the insurgent Government, the following circumstances had arisen. A British officer, who had formerly held a command in Sicily when the late Lord William Bentinck was there, and afterwards been engaged in active service during the Peninsular war, understanding that guns had been furnished from the Ordnance stores at Woolwich, and observing also other encouragement given to the Sicilians, accepted a command under the Sicilian Government. He undertook a commission to this country to raise troops, and to procure arms for the Sicilians. Those arms and troops were partially embarked in a steamer in the Thames. Two steamers were engaged, one to sail from the Thames, and the other to sail from Liverpool. The steamer engaged to sail from the Thames was detained by order of the Board of Customs. A question arose concerning the seizure, and the matter was referred to the Treasury. The Treasury, after duly considering the subject, and after having (as he understood) had communications with the noble Lord —the noble Lord having had communications, as it had been stated to him, but he might be mistaken in that respect, as he had received no information from the Minister of the King of the Two Sicilies, though, as he believed, communications were made by the noble Lord to the Minister of the King of the Two Sicilies, to the effect of that detention of the vessels — declined to interfere. The vessel, so far as related to any act of Government, was now at liberty to proceed to Palermo. The other vessel, from Liverpool, proceeded to Palermo. She reached that port just at the critical period when it suited the Minister of War there, and the Sicilian Government, whom the noble Lord had recognised, got on board with some of their coadjutors, and sailed to Marseilles. When they reached Marseilles, the Ministry of France, taking a different view from that of the noble Lord, with respect to the claims of the King of the Two Sicilies, detained the vessel, and she was now at Marseilles. He asked the noble Lord whether he was

aware of these circumstances, which he (Mr. Bankes) stated upon authority that appeared to him to be accurate; and whether he considered that the Government had enforced those laws which it was in their power to enforce, for the detention of vessels avowedly going to disturb the peace of a friendly country?

Viscount PALMERSTON: The hon. and learned Gentleman, under the guise of asking me a question, has given myself and the House almost as much information as if he had been "our own correspondent." I am not able to follow the hon. and learned Gentleman through the whole of the details regarding what the French Government has done at Marseilles. I do not know whether my noble Friend stated, in answer to the first question, that the persons who composed the Provisional Government at Palermo, have all quitted Palermo, and according to the last accounts there was no organised Government; but the population were in possession of arms, and were intending to defend themselves against the Neapolitans. The Neapolitan general had got within a very short distance from the town; and I imagine that some communication would be the result. In answer to the question with regard to the guns—first of all, I shall afford, I am sure, great satisfaction to the hon. and learned Gentleman by informing him that I have ascertained what has become of those guns. I find they had been sent to Syracuse, where they were not used at all, and they are there now in the possession of the King of the Two Sicilies. Next, with regard to the officer in question, the hon. and learned Gentleman says that, in consequence of these guns going off, and in consequence of divers other acts and misdeeds of Her Majesty's Government, a British officer had been induced to come to this country for the purpose of raising men. It is quite true, as he states, that Colonel Aubrey was sent to this country for the purpose of raising men; but I believe I have good reason to say no men were raised by him, and that his commission was an entire failure. With regard to the vessels, it is true that one steamer did leave from Liverpool, and that it arrived at Palermo. With regard to the vessel that was fitting out in the Thames, the *Bombay*, application was made on the part of, and by, the Neapolitan Minister here, for her detention, upon the ground that she was equipping in violation of the Foreign Enlistment Act, and that, therefore, she ought to be detained. That matter was referred to the Treasury, and to the Customs. The Foreign Office has nothing to do with the execution of the law of this country, except making known to the proper department that the law has been violated. The whole transaction was carried on between the Treasury, the Customs, and the law officers of the Crown; and it was in consequence of the legal advice given to them, that there was no just ground for further detaining the *Bombay*, that the *Bombay* was released.

Subject dropped.

RIGHTS OF NATIONALITY.

Mr. ANSTEY wished to ask the noble Lord the Secretary of State for Foreign Affairs, whether he would lay on the table of the House the copy of a letter of the 22nd November, 1848, addressed by Under Secretary Lord Eddisbury to Mrs. Castellari, stating that an Englishwoman by her marriage with a foreigner adopts the nationality of her husband, and even after widowhood loses all claim by right to the assistance of Her Majesty's Consul in the place where her husband died, in recovering or ascertaining the state of his property there? And whether he would also lay on the table the instructions which determine the conduct of Her Majesty's Consuls in such cases? He also wished the noble to state whether he had any objection to lay on the table a letter from a Mr. Paget to Lord Ponsonby, with respect to grievances sustained by his wife, Mrs. Paget, she being a Hungarian, and not naturalised?

Viscount PALMERSTON had no objection to lay the letters on the table of the House. The subject had been fully considered, and had been brought before the Consul, and it had been decided that there was no right, according to usage and practice, on the part of the British Consul, to take any cognisance of the property of the individual in the case alluded to. Instructions had been sent to communicate that fact to the widow, and that the British Government had no right to interfere in the matter, as her claim must fall under the cognisance of the court of the country of which her husband was a native. With regard to the second case, that of Mr. Paget, he would look and see if there was any such letter in his office, and, if there was, he should have no objection to produce it. But that case was essentially

very different to the one previously referred to by the hon. and learned Member. A British lady, who married a foreigner, lost, in a foreign country, her nationality. She followed the nationality of her husband. But in this case it was an Austrian subject who had married a British husband, and it was in the Austrian dominions that the question arose. Her marrying a British subject could not, while she remained in her own natural allegiance, divest her of the character which she acquired by birth. The general doctrine, that if a lady of one country married the subject of another, she followed the nationality of her husband, was laid down by the legal advisers of the Crown; and it was a doctrine which in the abstract was most reasonable.

WILLIAM SMITH O'BRIEN.

Copy of the Transcript, Assignment of Errors, and Rejoinder; together with the Judgment and Tenor of Judgment in the Writ of Error: In the House of Lords—William Smith O'Brien, Plaintiff in Error, and the Queen, Defendant in Error [communicated from the Lords 15th May] read.

LORD J. RUSSELL: I now move, Mr. Speaker, that the record in the case of William Smith O'Brien be now entered as read.

MR. SPEAKER put the question, and the record was ordered to be entered as read.

LORD J. RUSSELL: I have now to move, Sir, that it appears by the said record that William Smith O'Brien, a Member of this House, has been convicted of high treason. I will state the course I propose to take upon this occasion, which is, I believe, without a precedent, but being without a precedent, it is a case which will relieve me from any necessity of dwelling upon the heinousness of the offence, or of showing this House that it is an offence which necessarily incapacitates a person who has hitherto been a Member of this House from continuing to hold a seat in it. Sir, the precedents which are upon our journals which can at all have any reference to this case are of two kinds. The first has respect to cases of high treason; and on this point the first case that I will mention is that of Mr. Forster, in 1715. On the 10th of May, 1715, I find the following entry on the journals:—

"That T. Forster, Esq., a Member of this House, having been taken in open rebellion, bearing arms against His Majesty, be expelled this House. Ordered, that Mr. Speaker do issue his warrant, &c., to make out a new writ for electing, &c., for Northumberland, in the room of T. Forster, Esq., expelled this House."

On the 22nd of June, 1716, it is stated that—

"The House being informed that J. Carnegie, Esq., who is returned a Member of this House for the shire of Forfar, had been in arms in Scotland on the part of the rebels during the late rebellion, and that there were two persons at the door who could prove the same, they were called in and examined at the bar, and gave the House an account that they had seen the said Mr. Carnegie in arms at Perth on the part of the rebels; and it was resolved *nem. con.* that the said J. Carnegie be expelled this House."

There are cases where the House acted upon information only, and did not wait for the trial of the parties. We have other cases with regard to which there might be some doubt, from the nature of the offences committed; but they do not bear on the case now before us, being cases of perjury, conspiracy, and various offences of the nature of misdemeanour. Now, Sir, the present case of William Smith O'Brien is one, with regard to this House, so far as I have been able to ascertain, without precedent. It is the case of a Member with regard to whom no proceedings had been taken when it was said he was in arms against Her Majesty, or when he was taken a prisoner. But this House having waited until the conclusion of the proceedings, when it appears, from the record which has been just entered as read, that William Smith O'Brien was arraigned as for high treason in Ireland, and convicted of that high treason, and that a writ of error having been brought against the conviction, all the pleas were overruled, and the judgment was confirmed by the House of Lords. In that respect, therefore, it is quite unnecessary that I should say a word with regard to the heinousness of the offence. Nothing can be more complete than the conviction and judgment of the House of Lords. With regard to the consequences which, in the next place, should follow from such an offence, I need only say, it is an offence totally unlike those cases of misdemeanour to which I have referred. It is the offence of high treason, with regard to which all writers upon constitutional law, from Lord Coke downwards, have declared that it is the law of Parliament, that a person guilty of high treason or felony is incapable of sitting in this House. Such is the law of Parliament. I believe there is no one who will dispute

that law, and, therefore, I need not enlarge on that part of the question. The consequence is, therefore, that William Smith O'Brien, having been convicted of high treason, is a person who is civilly dead. He cannot be elected to this House, and he could not hold a seat in this House if elected. I believe, therefore, that it would not be proper that you should make this a precedent, and proceed to the expulsion of a Member under the circumstances, as I at first believed. I have considered the case, and consulted with other persons —I may, perhaps, allude to the chair, and say that I have had the advice of the right hon. Gentleman in the chair. I have, therefore, come to the clear conclusion, that the course which this House ought to take, is that of agreeing to the resolutions which I now propose. I beg, in the first instance, to move—

"That it appears, by the Record communicated from the House of Lords, that William Smith O'Brien has been convicted of high treason."

If the House agrees to that resolution, I shall then proceed to move that a new writ shall issue for the county of Limerick.

SIR F. THESIGER wished to state a single objection with regard to the wording of the resolution. The words were—"that William Smith O'Brien has been convicted of high treason." Now, the noble Lord might be aware that attainder did not follow on conviction, but on the judgment which followed; and he would therefore beg to suggest that the words of the resolution should be altered into "attainted of high treason." He thought the noble Lord could not proceed with the second resolution, which implied that William Smith O'Brien was civilly dead, unless the word "attainted" were introduced into the first resolution.

The ATTORNEY GENERAL said, that possibly a middle course might be the best to take, and he would therefore suggest that the words "adjudged guilty" should be substituted for "convicted."

"*Resolved*—That it appears by the said Record, that William Smith O'Brien, a Member of this House, has been adjudged guilty of High Treason."

LORD J. RUSSELL then moved—

"That Mr. Speaker do issue his warrant to the Clerk of the Crown to issue a new writ for the county of Limerick, in the room of William Smith O'Brien."

MR. F. O'CONNOR said, that, after seeing the resolution as it originally stood, it was his intention to move as an Amendment that an humble address be presented to Her Majesty, praying that she would be graciously pleased to extend a free pardon to William Smith O'Brien. He had not intended to introduce that Amendment by an inflammatory speech; but having ascertained that the relatives of Mr. Smith O'Brien wished that his case should remain in the hands of Her Majesty's Ministers, he thought it would be exceedingly improper for any individual Member of the House to take up the subject, and he would, therefore, not move his Amendment.

"*Ordered*—That Mr. Speaker do issue his Warrant to the Clerk of the Crown in Ireland, to make out a New Writ for the electing of a Knight of the Shire to serve in this present Parliament for the County of Limerick, in the room of William Smith O'Brien, adjudged guilty of High Treason."

PARLIAMENTARY OATHS BILL.

The House then went into Committee on this Bill; Mr. Bernal in the chair.

The further consideration of the first clause was about being resumed, when

MR. J. O'CONNELL, directing his attention towards the reporters' gallery, said: I perceive, Sir, that there are strangers in that gallery.

The CHAIRMAN: Strangers must withdraw.

After the exclusion of strangers,

COLONEL THOMPSON moved that they should be re-admitted.

MR. J. O'CONNELL opposed the Motion.

COLONEL THOMPSON then gave notice that he should bring the subject before the House, in order to provide against a similar occurrence for the future.

MR. BANKES brought forward his proposal that the oath to be taken by Members of Parliament should be made uniform by the Protestant Members making the same declaration of allegiance or non-resistance to the Established Church which has been required from Roman Catholics. He urged the impossibility that any Dissenters who made no objection to making a declaration of allegiance to the Queen, should object to making the proposed declaration in respect of the Ecclesiastical Establishment, inasmuch as it was notorious that one was as much a part of the law and the constitution as the other. And he enlarged upon the benefits of uniformity, and the advantages which would arise from thus sinking all differences be-

tween the Catholic and the Protestant Dissenter.

Amendment proposed—

"To add to the Oath proposed to be taken by Members of the Houses of Parliament not being persons professing the Roman Catholic persuasion, the same provisions relating to the Protestant Established Church which is contained in the Oath now taken by Roman Catholics."

LORD J. RUSSELL then proceeded to expose the weakness of the expectation, that an oath which had always been bitterly complained of by the Catholics, and which others had only consented to impose upon them under the impression of a strong necessity, should be voluntarily submitted to by Protestant Dissenters, with no strong necessity at all.

COLONEL THOMPSON said, that one way of proclaiming uniformity was by making things alike good, and another by making them alike bad. The Roman Catholic oath had always been complained of by the Catholics as an enormous evil and injustice, because it was continually made the pretext for a charge of perjury against them when they voted on any subject where ecclesiastical matters were concerned. Was it intended that Protestant Dissenters were to consent to take the same bad oath, and was it intended they should be charged with perjury the first time any of them mentioned church rates?

MR. VERNON SMITH said, the true point to which change should be directed, would be to make all the oaths alike by reducing them all to a simple declaration of allegiance to the existing occupant of the Throne.

Motion withdrawn.

Amendment proposed to the Oath—

"To leave out the words, 'and that I do not believe that the Pope of Rome, or any other Foreign Prince, Prelate, Person, State, or Potentate hath, or ought to have, any temporal or civil jurisdiction, authority, or power within this Realm; and that I will defend, to the utmost of my power, the settlement of property within this Realm as established by the Laws.'"

Question put, "That the words, 'and that I do not believe that,' stand part of the Oath.'"

The Committee divided:—Ayes 62; Noes 164: Majority 102.

List of the AYES.

Acland, Sir T. D.
Adderley, C. B.
Arkwright, G.
Baillie, H. J.
Bankes, G.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Blandford, Marq. of
Boldero, H. G.
Bromley, R.
Brooke, Lord
Buller, Sir J. Y.
Burrell, Sir C. M.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Egerton, Sir P.
Fox, S. W. L.
Fuller, A. E.
Galway, Visct.
Godson, R.
Gore, W. R. O.
Granby, Marq. of
Greenall, G.
Gwyn, H.
Hamilton, G. A.
Heald, J.
Heneage, G. H. W.
Henley, J. W.
Hildyard, T. B. T.
Hill, Lord E.
Hope, Sir J.
Hornby, J.
Hotham, Lord
Jolliffe, Sir W. G. H.
Jones, Capt.
Lacy, H. C.
Lascelles, hon. E.
Law, hon. C. E.
Lindsay, hon. Col.
Lopes, Sir R.
Lowther, H.
Morgan, O.
Mullings, J. R.
Mundy, W.
Napier, J.
Neeld, J.
Newdegate, C. N.
O'Connell, J.
Pakington, Sir J.
Palmer, R.
Pennant, hon. Col.
Plowden, W. H. C.
Portal, M.
Repton, G. W. J.
Scott, hon. F.
Spooner, R.
Stafford, A.
Stanley, hon. E. H.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, S. H.

TELLERS.
Goring, C.
Harris, Capt.

List of the NOES.

Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Armstrong, Sir A.
Armstrong, R. B.
Baring, rt. hon. Sir F. T.
Barnard, E. G.
Barrington, Visct.
Barron, Sir H. W.
Bass, M. T.
Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, C. L. G.
Birch, Sir T. B.
Bouverie, hon. E. P.
Bright, J.
Brotherton, J.
Brown, W.
Bunbury, E. H.
Butler, P. S.
Callaghan, D.
Campbell, hon. W. F.
Carter, J. B.
Cavendish, hon. G. H.
Clay, J.
Clay, Sir W.
Clements, hon. C. S.
Cocks, T. S.
Colebrooke, Sir T. E.
Crowder, R. B.
Dalrymple, Capt.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, J. E.
D'Eyncourt, rt. hn. C. T.
Divett, E.
Drummond, H.
Duncan, G.
Dundas, Adm.
Dundas, Sir D.
Ellice, E.
Ellis, J.
Elliot, hon. J. E.
Evans, J.
Evans, W.
Fergus, J.
Foley, J. H. H.
Forster, M.
Fortescue, hon. J. W.
Fox, R. M.
Fox, W. J.
Freestun, Col.
Gaskell, J. M.
Gibson, rt hon. T. M.
Gladstone, rt. hn. W. E.
Goulburn, rt. hon. H.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Granger, T. C.
Greene, T.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Grosvenor, Lord R.
Grosvenor, Earl
Hallyburton, Ld. J. F. G.
Hastie, A.
Hawes, B.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heneage, E.
Henry, A.
Herbert, H. A.
Herbert, rt. hon. S.
Heywood, J.
Hodges, T. L.
Hope, A.
Howard, P. H.
Hughes, W. B.
Humphery, Ald.
Jervis, Sir J.
Kershaw, J.
Kildare, Marq. of
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.

Lascelles, hon. W. S.	Rice, E. R.
Lemon, Sir C.	Rich, H.
Lewis, rt. hon. Sir T. F.	Robartes, T. J. A.
Lewis, G. C.	Roche, E. B.
Lincoln, Earl of	Roebuck, J. A.
Lushington, C.	Romilly, Sir J.
M'Cullagh, W. T.	Russell, Lord J.
M'Gregor, J.	Russell, F. C. H.
Meagher, T.	Salwey, Col.
Maitland, T.	Sandars, J.
Marshall, J. G.	Scholefield, W.
Martin, J.	Scully, F.
Martin, C. W.	Shafto, R. D.
Matheson, A.	Sheil, rt. hon. R. L.
Maule, rt. hon. F.	Shelburne, Earl of
Milner, W. M. E.	Smith, rt. hon. R. V.
Milnes, R. M.	Smith, J. A.
Monsell, W.	Somers, J. P.
Morris, D.	Stanton, W. H.
Mostyn, hon. E. M. L.	Strickland, Sir G.
Mulgrave, Earl of	Stuart, Lord J.
Norreys, Lord	Thesiger, Sir F.
O'Connor, F.	Thicknesse, R. A.
Ogle, S. C. H.	Thompson, Col.
Osborne, R.	Thornely, T.
Oswald, A.	Towneley, R. G.
Paget, Lord A.	Townsend, Capt.
Paget, Lord G.	Vane, Lord H.
Palmer, R.	Villiers, hon. C.
Palmerston, Visct.	Walmsley, Sir J.
Parker, J.	Willcox, B. M.
Patten, J. W.	Willyams, M.
Pechell, Capt.	Wilson, J.
Peel, rt. hon. Sir R.	Wood, W. P.
Peel, F.	Wortley, rt. hon. J. S.
Pigott, F.	Wyld, J.
Pilkington, J.	Wyvill, M.
Pinney, W.	
Power, N.	TELLERS.
Price, Sir R.	Tufnell, H.
Pryse, P.	Hill, Lord M.

Clause agreed to, as were Clauses 2, 3, and 4.

On readmission of strangers, Clause 5 was proceeded with.

Mr. LAW objected to proceeding with the measure with so thin an attendance of Members, and especially after the exclusion of strangers from the previous portion of the discussions. But if the Committee determined upon proceeding at this moment, he would now content himself with stating, that upon the occasion of the third reading of the Bill he should do all in his power to exclude that provision from it which enabled Jews to sit in Parliament.

Clause, with Amendments, agreed to.

On Clause 6, providing that the Bill should not extend to Roman Catholics, or affect any of the restrictive portions of the 10th George IV., chap. 7,

Mr. TORRENS M'CULLAGH moved the omission of the clause. The effect of such omission would be that Catholics and Protestants would in future take the same oath, regarding the meaning of which, as now settled by the Bill, there could be no reasonable doubt or uncertainty. After the decisions upon the previous clauses of the Bill to which the House had come, and after an almost unanimous expression of opinion in favour of simplicity and uniformity of legislative oaths, it would hardly be necessary for him to dwell at any length upon the general principles by which he desired that the Amendment he had moved should be determined. All he asked was, that they should fairly and fully apply those principles. They proposed to reduce the number of oaths to be taken by the great majority of both Houses of Parliament from three to one. They had expunged from that one every phrase whether of a political or a polemical character. They had agreed that, varying the form of attestation, the same brief and simple test of allegiance to the Throne should be made by every Member who belonged to the Church of England and to the Church of Scotland, by every Protestant Dissenter, and, finally, by the Jew. All were to have relief except the Catholics. Why was this? Everything that had been hitherto said in the discussion of this Bill fortified him in the conviction that such an exclusion of a particular section of the Legislature was foreign to its true spirit, and at variance with its wise and liberal tenor. The ancient and abiding doctrine of the constitution was that all the representatives of the people were equals in that House; and to attempt or pretend to tie the hands of any portion of the Legislature on particular subjects, while on those and on all other subjects the rest were free, was as plainly inconsistent with the theory of representative right, as it was with that of religious liberty. The oath prescribed to be taken by Catholics was a composite oath. Part of its provisions were to be found in the Catholic oath of 1774, and part in that of 1793. The first relaxation of importance that was made in the penal laws was in 1772. But whoever was at the pains to trace back the course of gradual and grudging emancipation would be amused at finding the first concession hidden under the title of an Act to "encourage the reclamation of the profitable bogs in Ireland." But in this apparent absurdity there was a grave significance. The spirit of the time was so darkened by exclusiveness and bigotry that no Government dared to introduce a measure ostensibly giving relief to the victims of statutable tyranny; and all that could then be accomplished was under the guise already named, to en-

able Catholics to acquire property in freehold. Two years after, an Act was passed ordaining a form of oath to be taken, when called upon, by every person in communion with Rome; wherein, amongst other things, he was required to disclaim all allegiance to the Pretender, and to deny that the Pope hath any power to depose princes, or any temporal authority within the realm. Now, these are three of the ingredients in the oath prescribed by the Act of 1829. Then came the Act of 1793, by which the elective franchise and many other privileges were conceded; and by a new oath contained in which Catholics were obliged to swear not to disturb the settlement of property—not to attempt the subversion of the Protestant Established Church in order to substitute a Catholic establishment in its stead—and not to seek the overthrow of the Protestant religion or Government of the kingdom. These three elements, with some verbal modifications, were likewise adopted in 1829; and thus a network of tests and obligations was framed, by which it was hoped that the consciences of Catholic Members of the Legislature would be so bound as that they could not meddle with any question affecting the temporalities of the Established Church. But what had been the result? Those whose legislative liberty it was thus thought to shackle and restrain, have, for the most part, rejected the interpretation which hon. Gentlemen opposite contended for. Many as honourable and highminded men as had ever possessed seats in that House, had from the first openly declared that they felt themselves free in their legislative capacity to speak and vote unreservedly on the Church question. Others, like his hon. Friend the Master of the Mint, took a qualified view of the matter, and while voting for the reform and the reduction of ecclesiastical resources, declared that they would not take part in any measure tending to the subversion of all endowment. The noble Lord the Member for Arundel and others put a still more stringent interpretation on the oath, and refused to take part on any question where the affairs of the Church were involved. Thus, amongst thirty-five or forty Members of the House, who were compelled to swear in the same words of obligation, three different and irreconcilable significations were confessedly maintained. At the beginning of each new Parliament, and it might be during each Session, three Members of that House stood at their table, holding in their hands the same sacred book, and repeating the same solemn words; and the House, which had judicial knowledge of the fact, listened to those three Gentlemen while they swore the self-same oath, avowedly in their different and discrepant senses. Why, what was mockery, if this was not? Was it not calculated to lower the influence and dignity of Parliament in the estimation of the people? Sooner or later the House would have to deal with this subject. It might excite little interest at the present time; but the matter was one of too much importance to be suffered to remain as the case now stood. It was of no avail to say that the Catholic Members did not complain. No; but the Protestant Members who desired to see their Catholic friends and fellow Members relieved from an invidious obligation or from odious imputations, did complain, and would never cease to do so, while this useless, ambiguous, and unworthy test was suffered to remain on the Statute-book. He had heard the noble Lord at the head of the Government declare that night, in answer to those who wished to introduce the same terms into the oath to be taken by Dissenters which were in the Catholic oath — that the Church of England needed not such defence or protection as this—that its stability rested on public opinion—and that to build on any other human foundation, was to build on sand. He heartily concurred in that sentiment; and he, therefore, hoped the noble Lord would not refuse to sweep away this last badge of bygone exclusion as one that, instead of serving the true interests of religion, raised up against it heartburnings and ill will. The right hon. Baronet the Member for Tamworth had stated that evening, that the Catholic oath ought not to be touched, as it was part of the settlement of 1829; and they were accustomed to hear it spoken of as part of what was called the compact on which emancipation had been granted. But he had a right to ask where was that compact; when was it made; or who was there on behalf of the Catholic millions who dwelt at that time in those kingdoms who was authorised to make stipulations for them, or for the generations that should come after them? If, instead of a compact, they were told that there was a condition precedent annexed to the admission of Catholics to the Legislature, then he could only say, what Parliament in 1829 was competent to attempt, Parliament in 1849 was as competent to aban-

don, when it had proved an egregious failure. Those who, like himself, felt strongly on this question, had been warned not to risk the fate of the Bill by pressing the Amendment. He thought it rather unfair to urge such a consideration in the first instance; it would be quite time enough to consider that point when the opinions of the House had been expressed upon the principle involved. Nor should it be forgotten, that, with two exceptions, every Catholic Member in the House had already voted unconditionally for the admission of the Jews. He concluded by moving—

"That the 6th Clause be struck out of the Bill, in order that all Members of the House should, henceforth, be enabled to take one and the same oath or affirmation, as the case may be."

Mr. W. FAGAN said, it was most humiliating for the Catholics to take the oath as now proposed, and peculiarly so after the way in which the proposal of the hon. and learned Member for Dorsetshire had been treated that night. Why should Catholic Members of that House be required to take a form of oath which the Protestant Dissenters did not take? The oath had been made an instrument for insulting the Catholics, and he had experienced something of this kind himself when, having brought before the House a Motion on the subject of ministers' money in Ireland, he was taunted by the hon. Member for Warwickshire with having forgotten the oath he had taken at the table. He would do nothing to injure either the Protestant Church or the Protestant religion, but, at the same time, he must say he thought that he might interfere with the temporalities of the Church Establishment without injuring it—indeed, he was of opinion that to do so would be rather to benefit than to injure that Church. He felt that, by pressing the proposition of his hon. Friend the Member for Dundalk, now, they might be interfering with the passing of what was, after all, the main feature of the Bill, namely, the emancipation of the Jews from their present disabilities; and if he was assured that such would be the effect of this Amendment, he would oppose it. On the whole, however, he did not think that it would have that effect, and he would therefore give it his support.

Mr. J. O'CONNELL, at considerable length, called attention to certain portions of the Catholic oath, with a view to show the absurdity of that oath in the shape in which it now stood. First, there were the words "the settlement of property as established by the laws." Now, if these words were intended to restrain Catholics from touching anything connected with the settlement of Church property, it would have the same restriction with respect to any property whatever. Again, Catholics "solemnly abjured any intention to subvert the Church Establishment as settled by law." But where was the difference between "the settlement of property established by the laws," and "the Church Establishment as settled by law?" The object of another disposition of the property of the Church being a good one, a Roman Catholic could surely only be restricted from promoting that object by a statute law. Again, Catholics were not to "disturb or weaken the Protestant religion." Now, he did not want to touch the Protestant religion. But was money religion? He did not look for the temporalities of the Church for himself, but only required that they should be applied to an object of advantage to the community at large. The hon. Member then denied that the Roman Catholics had ever taken the oath of supremacy either in the reign of Henry VIII., or Edward VI., or in that of Elizabeth. With reference to the present Motion of his hon. Friend the Member for Dundalk, he did not know whether he should vote for it or not; if he happened to be in the House when the division was called for, perhaps he might vote for it.

Mr. NEWDEGATE begged to be allowed, for a moment, to call the attention of the House to what had just been passing. The hon. Member for Limerick had revived the debate at the commencement of which he had himself moved that strangers should withdraw, and had taken the opportunity of referring to the arguments which had been used in the speeches of several hon. Members, whose remarks, owing to his own exclusion from the gallery of those through whose means they reached the public, could no be reported. Indeed, he now got up and gave a one-sided and falsified *resumé* of what had passed during the absence of strangers. [Mr. J. O'Connell denied that it was falsified.] He would confine himself, then, to the term "one-sided." Now, this he must consider as a gross abuse of their debates. He would ask the House whether it was right to commence a debate, and to continue it, in the absence and during the exclusion of the reporters, and then, that the same Member, on whose Motion they had been

excluded, should get up and give a one-sided *resumé* of the discussion? He confessed he could place but one interpretation on the course the hon. Member had thought proper thus to adopt, and that was, that he had intended to take advantage of the circumstances as they had now occurred. With respect to what the hon. Gentleman had said of certain terms contained in this oath, all that he had to say in reply to that was, that he (Mr. Newdegate) understood the terms of the oath in question in the plain common-sense meaning of the words themselves, no matter whether placed in the oath twenty years ago or yesterday. He had thought it right to call the attention of the House to the extraordinary course which the hon. Gentleman had taken.

The EARL of ARUNDEL AND SURREY said, he had no intention of continuing this discussion, and he extremely regretted the exclusion of the public from the gallery; for though their rule on that subject was, no doubt, a useful one to preserve, he had never known it exercised more than once during the last twelve years. On the present occasion he particularly regretted that it had been put in operation, as the public would have no opportunity of reading one of the most useful debates he had ever heard on the opinions which were held on the subject before the House. For his own part he had, on a former occasion, expressed his opinion on a Motion similar to that now proposed by the hon. Member for Dundalk. He did not consider himself at liberty to do away with the Roman Catholic oath; but, at the same time, he should take it as a boon if the House itself would do away with the necessity of Catholics taking that oath. It was, however, impossible for him to sit down without offering his thanks to the hon. Member for Dundalk, who, as a member of the Church of England, had taken this opportunity of proposing the abolition of that which he considered was objectionable in the eyes of his Catholic fellow-subjects.

MR. VERNON SMITH said, that in 1829, the state of the case on this subject was this—that Protestants and others were obliged to take three separate oaths, whilst the oath then instituted for Roman Catholics was, on the whole, to their comparative advantage, and they took all that was required of them in one oath. But how did the question stand in 1849? They had brought in a Bill which, at least incidentally, admitted the Jews to Parliament, but which was also introduced for the purpose of altering the oaths taken by Members. By that Bill they gave an entirely different oath for the Protestants, and from that oath they had struck out much that was objectionable as regarded the Catholics; but they had left all that in the Catholic oath, and thereby rendered it more objectionable to them than before. It had been seen that Roman Catholics equally high-minded and honourable interpreted the oath quite differently; and why should not Protestants? It had been said already that no conscientious Dissenter could take this oath; but he went further, and believed that every conscientious Churchman must take it unwillingly, and certainly not without inconvenience at least. Almost every question brought forward might be liable to the charge that it was calculated to subvert the Establishment. He should, therefore, vote for the omission of the clause.

MR. SPOONER considered the speech of the right hon. Member a very useful one for the opponents of the Bill, and he trusted that it would open the eyes of the House to its true character. According to the right hon. Gentleman it was but another step towards the total abandonment of all the safeguards of the constitution of Church and State.

LORD J. RUSSELL had very little more to say on the subject. He had no wish to make the oaths less simple, or to raise fresh obstructions against those now admitted to Parliament, or fresh enemies by the alteration of the Roman Catholic oath; and he should, therefore, vote against the Amendment.

MR. W. P. WOOD felt that the oaths taken by Roman Catholics were highly objectionable; and if the Amendment were pressed to a division he should vote for it. It was most desirable that there should be no distinction between Roman Catholics and Protestants. He objected to the restrictions imposed upon Roman Catholics on religious grounds as well as political. No security was gained to the Established Church by the miserable rubbish of their oaths. The Church, as far as it was an establishment, must depend on public opinion. The House represented the commons of England; and if the commons of England were all in favour of a change—if they represented truly the people, they ought to be unfettered as to any particular form of establishment. He would, however, be the last in the world to say that the

Church, as a spiritual establishment, depended upon opinion. It was as true, as holy, as perfect, and as powerful, when it consisted only of 120 persons assembled in an upper chamber as it was at this moment, when from a grain of mustard seed it had become a tree so great that all the nations of the earth might find shelter under its branches. Let them look at the Church of England before the repeal of the Test Acts and all its bulwarks of that nature. Would any one say that the Church of England at that day, when all its defences against Popery and dissent were in existence, was anything like the Church of England at the present day? There were not now so many public dinners, perhaps, at which "Church and Queen" were toasted; but there was now a more striking proof of vitality and efficiency in the number of new churches which had been built, and of schools which had grown up within the last thirty years. He would ask any member of the Church whether he could not recognise now in the Church of England more activity, more power, more spirituality, than she had exhibited for centuries?

COLONEL SIBTHORP lamented that he should ever have heard in that House a Chancery barrister—he might say, he believed, a distinguished Chancery barrister—but a Chancery barrister, of all the men in the world—designate an oath, a solemn appeal to the majesty of Almighty God, as "rubbish."

MR. W. P. WOOD said, he thought no one else in the House would have misunderstood what he had said. All he asserted was, that reliance on any particular form of oath was rubbish.

MR. WYLD complained that the Irish Members had taken advantage of this Bill to introduce a question which the people of England had long since thought settled. They were doing little good for the cause they had in view. He highly approved of the Bill.

Question put, "That the Clause stand part of the Bill."

The Committee divided:—Ayes 103; Noes 54: Majority 49.

List of the AYES.

Adair, R. A. S.	Bellew, R. M.
Arbuthnott, hon. H.	Bentinck, Lord H.
Ashley, Lord	Beresford, W.
Baldock, E. H.	Berkeley, hon. Capt.
Baring, rt. hn. Sir F.T.	Birch, Sir T. B.
Barnard, E. G.	Bremridge, R.
Bateson, T.	Brisco, M.
Brockman, E. D.	Law, hon. C. E.
Bromley, R.	Lemon, Sir C.
Brotherton, J.	Lewis, G. C.
Brown, H.	Lindsay, hon. Col.
Bunbury, W. M.	Lowther, hon. Col.
Campbell, hon. W. F.	Lushington, C.
Clerk, rt. hon. Sir G.	M'Gregor, J.
Cockburn, A. J. E.	Maitland, T.
Cowper, hon. W. F.	Martin, C. W.
Craig, W. G.	Maule, rt. hon. F.
Crowder, R. B.	Mulgrave, Earl of
Dod, J. W.	Newdegate, C. N.
Duckworth, Sir J. T. B.	Paget, Lord A.
Dundas, Adm.	Parker, J.
Dundas, Sir D.	Peel, F.
Ebrington, Visct.	Perfect, R.
Elliot, hon. J. E.	Plowden, W. H. C.
Evans, W.	Pryse, P.
Fergus, J.	Rice, E. R.
Fox, R. M.	Rich, H.
Frewen, C. H.	Romilly, Sir J.
Glyn, G. C.	Rushout, Capt.
Goulburn, rt. hon. H.	Russell, Lord J.
Graham, rt. hon. Sir J.	Russell, hon. E. S.
Greenall, G.	Russell, F. C. H.
Greene, T.	Seymour, Lord
Grey, rt. hon. Sir G.	Sibthorp, Col.
Grey, R. W.	Smith, J. A.
Grogan, E.	Spooner, R.
Grosvenor, Lord R.	Stafford, A.
Halford, Sir H.	Talfourd, Serj.
Harcourt, G. G.	Thompson, Ald.
Harris, hon. Capt.	Tollemache, J.
Hawes, B.	Townshend, Capt.
Hay, Lord J.	Walpole, S. H.
Hayter, rt. hon. W. G.	Wellesley, Lord C.
Heathcoat, J.	West, F. R.
Hill, Lord E.	Willcox, B. M.
Hobhouse, rt. hn. Sir. J.	Willyams, H.
Hobhouse, T. B.	Williamson, Sir H.
Hodges, T. L.	Wilson, J.
Hodgson, W. N.	Wood, rt. hon. Sir C.
Jervis, Sir J.	Wyld, J.
Jones, Capt.	TELLERS.
Labouchere, rt. hon. H.	Hill, Lord M.
Lascelles, hon. W. S.	Tufnell, H.

List of the NOES.

Aglionby, H. A.	Hastie, A.
Anderson, A.	Henry, A.
Armstrong, Sir A.	Heyworth, L.
Armstrong, R. B.	Howard, hon. E. G. G.
Bass, M. T.	Kershaw, J.
Bright, J.	Kildare, Marq. of
Brown, W.	Meagher, T.
Carter, J. B.	Matheson, Col.
Clay, J.	Melgund, Visct.
Clements, hon. C. S.	Mitchell, T. A.
Colebrooke, Sir T. E.	Monsell, W.
Davie, Sir H. R. F.	O'Connell, J.
Dawson, hon. T. V.	O'Connor, F.
Devereux, J. T.	O'Flaherty, A.
Duncan, G.	Osborne, R.
Ellis, J.	Pechell, Capt.
Evans, J.	Pilkington, J.
Ewart, W.	Raphael, A.
Fagan, W.	Reynolds, J.
Forster, M.	Salwey, Col.
Fortescue, hon. J. W.	Scholefield, W.
Fox, W. J.	Scully, F.
Gibson, rt. hon. T. M.	Smith, rt. hon. R. V.

Talbot, J. H.	Wawn, J. T.
Thompson, Col.	Wyvill, M.
Thornely, T.	TELLERS.
Tollemache, hon F. J.	M'Cullagh, W. T.
Walmsley, Sir J.	Wood, W. P.

Bill reported; as amended, to be considered on Monday next.

The House adjourned at a quarter before Ten o'clock till Monday next.

HOUSE OF LORDS,

Monday, May 21, 1849.

MINUTES.] PUBLIC BILLS.—2ª Land Improvement and Drainage (Ireland).

Reported.—Small Debts (Scotland) Act Amendment.

3ª Land Improvement and Drainage (Ireland).

PETITIONS PRESENTED. By the Earls of Harrowby and Eglinton, Lords Stanley and Redesdale, and the Duke of Richmond, from Liverpool, Great Yarmouth, Torquay, and other Places, against the Repeal of the Navigation Laws.—By the Earl of Rosebery, and the Marquess of Lansdowne, from Leith, Dundee, and Liverpool, in favour of the Navigation Bill.—From North Berwick, in Scotland, for the Repeal of the Game Laws; also for an Alteration of the Law respecting Elections of Members of Parliament.—From Cambridge, for an Extension of the Provisions of the Freemen's Lands Bill.—From Places in Yorkshire, and a Number of small Towns, for the Suppression of Seduction and Prostitution.—From Greenwich, that Boards of Guardians may be Empowered to grant Superannuation Allowances to Poor Law Officers.—By the Earl of Beauchamp, from Worcester, for a protective Duty on foreign Produce.—By Lord Lyttelton, from Bromsgrove and Kidderminster, for a Repeal of the Law of Settlement, and that a uniform Rate may be substituted in lieu thereof.—From a Number of Persons, that Measures may be taken for preventing the Sale of Tithes.—From Queensferry, against the Marriage (Scotland), and the Registering Births, &c. (Scotland) Bills.—By Earl Fitzhardinge, from Gloucester, for the Abolition of the Punishment of Death.

OUTRAGE UPON HER MAJESTY.

The MARQUESS of LANSDOWNE: I trust you will permit me, my Lords, before proceeding to a question on which I fear we shall have this night much difference of opinion, to advert for a moment to another subject, on which I am sure that there can be but one opinion and but one feeling among your Lordships, I allude to the unfortunate occurrence which has taken place within the last forty-eight hours. My Lords, there are offences of a nature at once so odious and so disgusting, but at the same time so paltry and so contemptible, that it is impossible to speak of them with the seriousness which the malignity of the attempt requires, and with the contempt which the absurdity of the purpose excites in every reasonable mind. All that your Lordships need to be informed of on the present occasion is, that the result of the inquiries made into the offence which was directed against the sacred person of Her Majesty on Saturday last does not lead to the disclosure of any circumstances which would justify a commitment for the crime of high treason. Had such a commitment been justified by the circumstances of the case, I am sure that it would be the instantaneous and unanimous wish of your Lordships to go up to Her Majesty's throne with an address expressive of your abhorrence of any such design. But this is not the case here. Life has not been at all endangered; and the commitment has been made out simply for a misdemeanour under the Act passed in 1842, which appears to me singularly well adapted to meet the atrocious nature of the crime, and the contemptible mode in which it was attempted to be perpetrated. I rise, my Lords, to state to you that upon these grounds I do not intend to propose that you should adopt any address to Her Majesty; on the contrary, I think that you should leave the wretched author of this offence to the contempt which he merits, and, without attaching to him that notoriety and importance which he sought to obtain, and of which he was, perhaps, ambitious, should leave him to meet that severe but degrading punishment from which, if guilty, he must not be permitted to escape.

LORD STANLEY: My Lords, I must say that the concluding part of the speech of the noble Marquess has relieved me from a very painful feeling which the commencement of his address excited in my mind. I entirely concur in the propriety of the course adopted by the noble Marquess; and I rejoice that it is not the intention of Her Majesty's Government to give to this most contemptible and disgraceful outrage the consideration and importance which would have attached to it—even in the mind of the culprit himself—by making it a subject of an address to Her Majesty. I am quite certain, if Her Majesty's life had been in the slightest degree endangered, or if there had been any serious attempt to inflict injury upon Her Majesty's person, there would have been an unanimous expression of loyalty and attachment in this House—there would have been an unanimous expression of thankfulness that such an attempt had been frustrated, and of cordial congratulation to Her Majesty upon her escape from such injury—but I will add also, that the same feeling which would have actuated your Lordships' minds would have found an echo from the whole country, and from every class—and I may al-

most venture to say from every individual of every class. So far from thinking it an occasion of congratulation to Her Majesty on an escape from danger—though if there be a subject on which it would be fitting it would be this, when it was supposed that an individual had made an attack upon Her Majesty's person—if there be anything on which to congratulate Her Majesty it would be upon this result of the atrocious attempt, that it called forth from every individual present an expression of indignation and vengeance, to which I believe the paltry culprit very narrowly escaped being sacrificed. I quite concur, therefore, with the noble Marquess in the propriety of leaving this wretched attempt to the contempt it merits; and I rejoice that the Act passed a few years ago visits such offences with a degrading and disgraceful punishment, without the offender being raised to the notoriety which some persons may have desired, and probably this among others, of being held up to the public eye as a great public and perhaps political offender. This person remains exposed to the contempt of all the world, and with the feeling upon the part of every human being that a disgraceful and a degrading punishment has been well merited.

LORD KENYON was understood to express the deepest regret that Her Majesty had thus been insulted, and his unbounded exultation that she had not been exposed to any danger. After passing an eulogium upon the magnanimous feeling which Her Majesty had displayed, he intimated it be his opinion that there should be some record of the occurrence of this offence left upon the Journals, either by an address to Her Majesty, or by some express resolution. He also suggested to the right rev. Bench the propriety of issuing a prayer of thanksgiving to the Almighty for the gracious protection he had cast over his chosen servant, the Queen of these realms.

LORD BROUGHAM observed, that there was one reason which had escaped the notice of the noble Baron who had just down why an Address could not be presented on this subject. He should be as ready as the noble Baron to pour out his feelings either in a Resolution, or in an Address, or in any other form which would best express the loyal feelings of their Lordships, upon the mischief attempted to be perpetrated on Her Most Sacred Majesty, but for the awkward position in which he would be placed by joining in an Address before the trial of the offender, who had a right to be fairly tried, and who could not and ought not to be prejudged and condemned by an Address of their Lordships, who, as Judges in the last resort, might be called upon to decide on his guilt or innocence. He, therefore, rejoiced in the fact, that no such Address had been pressed upon the consideration of their Lordships. If their Lordships had been called upon to pass any such Address, it must have been surrounded by many precautions—it must have been guarded by many an "if," as, for instance, "if" the prisoner did so and so, then they said so and so to Her Majesty. He did not say that the offence committed on Saturday last was high treason, neither did he say that it was not; but the attempt that was then made upon Her Majesty was a matter of contempt and disgust to all, and appeared to have proceeded from despicable motives of absurd ambition—in a word, from a morbid love of notoriety. By far the worst thing that the Government could do would be to go against the Act of 1842. Such a course would give the individual the notoriety which he courted; and he, therefore, entreated his noble Friend (Lord Kenyon) to allow the matter to drop, being quite certain that there was an unanimous feeling in the House upon that point.

The MARQUESS of LANSDOWNE: Had I proposed, my Lords, an Address to Her Majesty, it would have alluded only to the nature of the offence, and not to the party who committed it, and who was liable to trial for its commission. I believe, however, that even as to the nature of the offence committed, it is infinitely below the crime of high treason; and my noble and learned Friend will allow me to remind him that there was a former attempt to alarm Her Majesty, and that upon that occasion both this and the other House of Parliament dismissed it without an Address, but with an adequate feeling of the contempt which it deserved. I think it advisable that no further notice should be taken of an attempt which was as contemptible as it was atrocious.

M. MANZONI—REMOVAL OF WORKS OF ART FROM ROME.

LORD BROUGHAM wished to make a statement on the subject of the charge which he had formerly brought against M. Manzoni. M. Manzoni was now a resident in London, and he (Lord Brougham) had told that individual that if he would

give a denial to the charges preferred against him in a petition, he would undertake to present it to their Lordships, to make its contents known, and to give publicity to his assertions that what had been urged against him was without foundation. On a former evening he had informed their Lordships that M. Manzoni had not forwarded to him any such petition; but he had now in his possession a positive assurance, under the handwriting of M. Manzoni, that he had only refrained from presenting a petition to their Lordships on the subject owing to the informality of his position, which he conceived would have prevented his petition from being received. M. Manzoni, however, assured him, in the most distinct and positive terms, that the reports — which appeared in the French, and also in some of the English papers — of his having brought away from Rome valuable works of art, were entirely without foundation. He further affirmed, that no works of art had been removed from their places in Rome, either by himself or by any parties whatever. He thought that it was merely justice to M. Manzoni, especially as he was now an exile, and, from the circumstances of his country, not very likely soon to be restored from exile, that he should make this statement, to clear M. Manzoni, so far as it went, from the charges which had been preferred against him.

NAVIGATION BILL.

Order of the Day for the House to be put into Committee read.

House in Committee, accordingly.

Upon the 1st Clause being read,

Lord STANLEY: My Lords, before I proceed to move the Amendment of which I have taken the liberty of giving notice, permit me to say, that, mindful of having trespassed upon your Lordships' patience at a great length upon a former occasion in discussing the principle of this measure, I shall now content myself with making a very few observations. Before entering into the subject of the Amendment, allow me also to apologise to two noble Lords for first engaging the attention of the Committee, inasmuch as they placed notices of two amendments on the Paper before I gave notice of mine. I do not, however, think that, strictly speaking, I am anticipating the amendments of those noble Lords, because they are in substance and principle the same as those which I intend proposing. I am not sure that the noble Earl who gave notice of the first amendment is now in his place; but I can assure him if he is, that I have no wish to take the argument, with respect to the principle of it, out of his hands, knowing as I do that his ability and experience are so much superior to my own for expounding that principle, and for making an impression upon your Lordships' minds. The only reason why I included in the Amendment of which I have given notice, the subject of the noble Earl's amendment was, that it tends to reject certain parts only of the repealing clauses in the Bill, whereas I intended to propose to reject them all. My Lords, it is my opinion that the different Acts mentioned in the clause which Her Majesty's Government propose to repeal, all rest upon different grounds, and ought to be separately considered; and, as I before observed, I do not wish to interfere with the noble Earl's proposition, although I have included the subject of his notice in my own Amendment. I also beg to offer my excuses to my noble Friend on the cross benches (Lord Wharncliffe) for referring, in my propositions for amending this Bill, to the question of reciprocity, on which subject he has given notice of his intention to propose an amendment nearly to the same effect as my own. My noble Friend proposes to introduce, as a condition precedent to the passing of this Bill, that the principle of reciprocity shall be admitted by foreign Powers before they become entitled to the benefit of the relaxation which it contains. I understand that my noble Friend has the same object in view in his Amendment that I have in mine. My noble Friend intends to supply, for the positive enactment in the first clause of the Bill, and for the conditional enactment in a subsequent clause of it, whereby Her Majesty is authorised to impose certain retaliatory prohibitions or restrictions on all foreign Powers not affording advantage to British vessels corresponding to that which we afford to theirs—a provision whereby there shall be an assurance given to the British Government that the principle of reciprocity shall be fully and fairly carried out before any foreign Power shall receive any benefit from the relaxations of this Act. I understand that to be the provision of the noble Earl's Amendment.

Lord WHARNCLIFFE: I think you rather overstate it.

Lord STANLEY: I will read the Amendment. It provides—

"That it shall be lawful for Her Majesty, at some time before the period appointed for the commencement of this Act, by any Order or Orders in Council, to declare whether there are any, and, if any, what foreign countries wherein it may appear to the satisfaction of Her Majesty in Council that British vessels are or will be thereafter subject to any prohibitions or restrictions as to the voyages in which they may engage, or as to the articles which they may import into, or export from, such country; or wherein British ships are, or will be, either directly or indirectly subject to any duties or charges of any sort or kind whatsoever from which the national vessels of such country are exempt, or wherein any duties are, or will be, imposed upon articles imported or exported in British ships which are not equally imposed upon the like articles imported or exported in national vessels, or wherein any preference whatever is, or will be, shown either directly or indirectly to national vessels over British vessels, or to articles imported or exported in national vessels over the like articles imported or exported in British vessels, or wherein British trade and navigation is not, or will not be, placed by such country upon as advantageous a footing as the trade and navigation of the most favoured nation; and then, and in such case, any such of the aforesaid Acts declared by this Act to be repealed, or any such parts thereof as Her Majesty in Council may deem expedient, and as may be specified in any such Order in Council, shall remain and be of full force and effect as regards such countries, any such repeal as aforesaid notwithstanding, until Her Majesty in Council shall think fit in like manner to declare such Acts, or part of Acts, to be absolutely repealed in respect of such countries."

Now, the meaning of this provision clearly is, that until Her Majesty shall be fully satisfied that foreign countries will grant full reciprocity to the ships and commerce of this country, Her Majesty shall have no power to abrogate or to repeal the navigation laws, so far as they affected the ships and commerce of those countries. My Lords, I am very much mistaken if the principle upon which I proceed is not entirely the same as the noble Lord's. The Amendment which I have now the honour to propose has for its object to call upon your Lordships to declare, at an early stage of the discussion, whether, in all cases where the ships of foreign countries are now subject to the same disadvantages, in regard to British commerce, as lie upon the ships of this country in regard to foreign navigation—whether the clauses of the statutes imposing such a restriction on foreign shipping shall be repealed, or whether they shall remain in full force and effect as regards all such countries, while you enable Her Majesty in Council, whenever She shall think fit, in those cases where She shall be satisfied that a foreign country will act fully on the principles of reciprocity, to grant a relaxation of the particular existing restrictions. I do not propose to offer reciprocity to each and to every country on the globe, but I propose to enable Her Majesty, with certain modifications and restrictions, to enter into an engagement with foreign Powers to admit their shipping to an equal footing with the shipping of this country. I grant that the distinction between the Bill proposed by the Government and the Amendment which I have the honour to submit, does not so much, I think, depend on the principle as the *modus operandi*—not so much in point of principle as in point of degree; for they propose, in the first place, to repeal the existing laws with regard to navigation, and to re-enact them in those cases where other countries are not prepared to adopt the principle of reciprocity. I propose, on the other hand, to retain the existing laws for the encouragement of British navigation and commerce, but to enable Her Majesty, in certain cases, to make relaxations where otherwise the restrictive power of the law would have remained in force. With regard to the modifications proposed on both hands to be made in the existing law by this Bill, although there is a difference of opinion between myself and Her Majesty's Government, it is a difference not of principle, but of degree. I say it is a difference of degree and not of principle, because Her Majesty's Government declare their object to be the amendment of the law relating to British shipping and commerce; and your Lordships, the other night, by the decision you came to, although by a small majority, consented further to enter upon the consideration of the object, and the discussion of the means by which it is proposed to be effected. With Her Majesty's Government I admit the propriety of an amendment of the laws for the encouragement of British navigation and commerce, and come now to consider how far modifications may be introduced, and the stringent prohibitory clauses may be relaxed in favour of foreign countries. On the other hand, Her Majesty's Government do not propose to do away altogether with the navigation laws; for though a small portion, still a certain portion of them they propose to re-enact, after having repealed the whole. I disagree with them on that, and I disagree with them on principle. I do not think, my Lords, the advantages that can be derived from the amendment of these laws, or the disad-

vantages that can arise from retaining them, are in either case so considerable as to justify the assent which your Lordships have given to the second reading of this Bill. The question then before you is this —will you proceed to repeal, and then to re-enact, a small portion, but though a small portion, yet a portion of those laws which is the most burdensome to the British shipowner, and the least advantageous to British commerce? And while you leave the British shipowner by this Act subject to most of the restrictions to which he is at present subject, will you at the same time expose him to competition with every maritime country in every quarter of the globe? There is a great distinction between the measure by which Her Majesty's Government now propose a relaxation in the laws relating to British shipping—there is a broad distinction between the line pursued by Her Majesty's Government, and that which guided the statesmanlike course of Mr. Huskisson. Mr. Huskisson proposed, and wisely proposed, to enter into treaty with foreign countries, by which, in the direct trade with this country, the advantages given to the shipping of those countries should be equivalent to the advantages which they conferred on the shipping of this country. But this principle Mr. Huskisson applied to the direct trade alone between country and country; and you are entering for the first time, my Lords, upon an experiment more extensive than was ever recommended by that statesman. You are entering into competition with the world—not only with this country and that country, but with each and every country in every quarter of the globe. And I stated to your Lordships the other evening, when the Bill was under discussion, that so far from securing this country against danger, you were doing the very thing which Mr. Huskisson said it was the object of the navigation laws to prevent—namely, the throwing open the trade of this country to any foreign country who might be superior to yourselves in the cheapness of building or of sailing their ships, where there could accrue no advantage to commerce equivalent to the evil which you do to the shipping interests of this country in their trade with every quarter of the world. That was the evil which Mr. Huskisson foresaw, and which he endeavoured to prevent, whether in our trade with foreign countries, or, more important still, in our trade with the colonies. These two branches of our trade have remained hitherto untouched, and I have no desire, my Lords, to meddle with them now; but you are proposing at once by this Bill, without the possibility of recalling your steps—you are proposing to abrogate these two restrictions, and, by the hazardous experiment which you are asked to make, to plunge at once into an evil which is irrevocable. I am now prepared, my Lords, to tell you, that this is a subject of such a character that you ought to deal with it cautiously—that you ought to surrender no more than is required by the commercial interests of this country—that you ought to take no steps but such as, if the result should require it, you may be able to retrace—and that in all your concessions these ought never to exceed those which are demanded at your hands. I tell you that, while on the one hand, all naval men, all connected with shipping, agree in condemning the measure which you have introduced, and say you ought not to make the change you propose, you are acting, on the other, against the convictions of the country. Proceeding against the convictions of the country, despising the warning of all naval men, and despising the apprehensions of all classes in the country, you are acting only on the strength of your convictions of the propriety of the course which you are now about to pursue. A far wiser and a more usual course for the Government to have pursued, would be to proceed step by step in their relaxations, as the country was satisfied that the amendments which they were effecting would be for the advantage of the interests of this country. But no, you propose at once, without entering into any treaties, or making any agreements, to give up the whole of what you have hitherto secured with such jealousy and care, and to take your chance whether foreign Powers may meet you on the same principles or not. When I say you are acting against the opinion of the naval and commercial men of the country, I do not except the commercial body, from whom emanated the petition presented by the noble Marquess opposite (Marquess of Lansdowne)—I mean the merchants of Liverpool—for although I do not mean to impugn the respectability of some of the names appended to it, I am yet aware that after lying for some time in the Royal Exchange at Liverpool, and although an active canvass had been got up respecting it, it received no more than 143 signatures. I, however, was called upon to present to

your Lordships a petition from Liverpool signed by 47,000 of the inhabitants, on which the noble Earl opposite (Earl Grey) commented at the time in language which I can assure him excited in that town no small degree of surprise and indignation. But, whatever may be thought of the classes by whom these petitions were signed, your Lordships ought to be aware that, in the same Exchange Rooms, and by the same body, from whom emanated the petition with 143 signatures for the repeal of the navigation laws—the petition which I was called upon to present to you against this Bill, was signed by 1,470 of the 2,000 members of that Exchange—a proportion of the commercial men adverse to the repeal of these laws, not as three to one, but as eleven to one. With the admission on all hands, that this measure is uncalled for by any necessity—that no case has been made out for the sweeping changes proposed by Her Majesty's Government—I say the safer course for them to have pursued, even if the Government is resolved ultimately to propose such sweeping alterations, would be to contemplate less sweeping changes than those which they now propose to effect. At the same time, it is not my intention, upon the present occasion, to dispute the affirmation of the principle involved in the decision of your Lordships the other night; we bow, the minority, though very nearly the majority—we bow to the opinion constitutionally expressed by the majority of your Lordships. We enter, then, upon the discussion of these laws, for the purpose of ascertaining the grievances towards which you can apply a practical remedy, and the extent to which you are prepared to carry the alterations in these laws. We admit, moreover, that it is our bounden duty to set commerce free from all unnecessary restrictions, and to be restrained from this course only by higher considerations, namely, a due regard to the still more important interests of the country than those connected with our shipping and navigation. The question, therefore, which I desire to draw your Lordships' attention to, and that which in the first instance I will ask you to go along with me in the expression of your opinion, is, whether you will accept the proposition of the noble Marquess, and at once consent to repeal those laws altogether, and take your chance as to what portion of them you will re-enact; or whether you will, as I propose to effect by my Amendment, maintain the principle of these laws, but empower the Crown, upon the footing of reciprocity, to confer upon foreign Powers certain privileges which are otherwise inconsistent with our law? Now, my Lords, that is the subject of my first Amendment. But, as I am now addressing you, it may, perhaps, save further time and trouble if I take this opportunity of stating what in substance are the practical changes which I propose to introduce into the navigation laws, as compared with those advocated by Her Majesty's Government. It is true that the Government calls this Bill one for the amendment of the laws in force for the encouragement of British shipping and navigation. Now, the principal Act directly tending to the encouragement of British shipping is the Act of the 8th and 9th of Vict., c. 88; and the first clause of the Bill for the amendment of the law for the encouragement of British shipping is one to repeal that Act altogether. I, then, confine myself more strictly within the terms of the title of the Bill, and the objects which it professes to have in view. I propose to amend the laws, and also to relax certain restrictions in it, but certainly not to abrogate it altogether. The noble Marquess charged me the other day with having unduly and unnecessarily delayed giving notice of the specific Amendments which I declared it was my intention to propose—I do not think that I am justly liable to censure on this ground; for if the Government have taken a period of two years to consider the specific enactments they intended to propose—if, after having held various communications with foreign Powers during that period, they come down this year with a Bill considerably altered from that they proposed last year—if, upon the verbal assurances and expectations held out by Ministers of Foreign Powers, they are prepared to propose large and extreme sweeping concessions, and to place in such imminent danger the interests connected with British shipping, on the faith of foreign Governments confirming the verbal engagements of their Ministers—if, again, at the last moment, and without even going into Committee in the other House, they find it necessary to withdraw a large portion of those concessions they were prepared to make, and to except from the Bill the whole of the coasting trade; and this after it had passed through a second reading, and after the Government had declared their determination to abide by the

measure as it originally stood—if the Government have thought it necessary to take such a course, it can hardly be charged against me that I have occupied the space of eight days after the Bill had been read a second time in this House, for the purpose of discussing with practical men what amendments it would be safely open for us to propose. So far from being liable to any charge on the ground of delay, I feel at this moment some want of confidence in not having had sufficient time to consult the opinions of all the mercantile body upon this subject. I cannot speak with confidence on all the details; I know that some differences of opinion as to some of these exist amongst this body. Some may think that I have gone too far, others that I have not gone far enough; and I regret that time has not been given for more fully ascertaining the wishes of the great body of the mercantile men of the country. I have reason, however, to believe, from the communications I have received, that, in the main, the modifications which I mean to propose are generally approved of. These modifications, while on the one hand they will meet many of the complaints that have been urged against these laws, will not, on the other, tend to affect injuriously the interests of the shipping and navigation of the country. Your Lordships are aware that the existing laws draw a distinction between articles the produce of Europe, and the produce of the three other quarters of the world in regard to navigation. I propose in the Amendments I will submit, to adhere to the same mode of proceeding, and to draw a corresponding distinction. But, both with regard to articles of Europe, and the produce of Asia, Africa, and America, I propose to introduce such modifications of the existing law as may be advantageous to commerce, and not be of injury to it. The reason of these distinctions is plain and obvious. It has been always the policy of our Government to secure to this country free communication, not only between British port and port, but also to obtain the great advantage of protection from distant ports exclusively to British vessels in the conveyance of articles of great bulk and of great value, whereby a large amount of shipping and a great number of seamen are employed. In regard to Europe, the voyages, speaking generally, are of less duration, and the law is less stringent, than in respect to the trade carried on with more distant countries. As I propose to relax the one, so I propose to relax the stringency of the other. In regard to Europe, as the law stands, no goods enumerated as the produce of Europe can be imported except in British ships, or in ships of the country of which the articles are the produce, or in ships of that country from which the articles were directly imported. The Amendment I propose to introduce in regard to goods the produce of Europe is of considerable importance, inasmuch as it would open largely—some might think too largely—the indirect trade with European countries. A great stress has been laid by the Government on the complaints of Prussia (and it is the same as to other countries), that whereas she has granted to us the privilege of importing from other countries into her ports the produce of other countries, we have withheld from her a similar privilege. We were further told that a treaty which is advantageous to us would be put an end to, and in such case it would be impossible for us to treat with her on the principle of reciprocity. Now, instead of proposing to abrogate the navigation laws and their restrictions altogether, or to place this country in the situation of taking the offensive and invidious course of retaliating by re-enactments, I think the more straightforward, equitable, and, I must say, statesmanlike course, is to say that Her Majesty shall be empowered, if she think fit, to enter into reciprocal engagements with other countries for the importation of European goods, provided we obtain from other countries an equitable and sufficient equivalent for British shipping. And that is the Amendment which I propose to introduce. I lay considerable stress upon the fact of the Order in Council being from time to time revocable. I do not say that it will be necessary to make this concession to every country in Europe that may appear to offer us advantages in this respect. It may be that you will find the practical operation of this so-called reciprocity may have the effect of driving you out of the European trade, by the superior advantages of the ships of other countries. It would, therefore, be obviously dangerous to enter into reciprocal engagements with every Power. I hold it to be highly important that the Crown should have the power to put an end to the Order in Council, when it may be found that the engagements we have entered into by it threatened the commercial intercourse, and that we were likely by them to yield the naval supre-

macy of our maritime power. Well, then, in regard to Asia, Africa, and America, it is highly important in the main to adhere to those laws which have secured to us that most valuable advantage — namely, the "long voyage" trade for the carrying of bulky articles of commerce, employing a large amount of our shipping, and a large number of our seamen. I do not propose to depart from that principle, except by introducing such modifications as, while they will uphold the main principle of the law, will, at the same time, remove the objections to the practical operation of the present law. By this law no goods can be imported from Asia, Africa, or America, except in British ships, or in ships of that country from which the produce comes, "and" from which the goods were imported: with regard to Europe, the word was "or" from which the goods were imported. And since, as regards Asia and Africa, the countries in those quarters have very little shipping of their own, the practical effect of the law is that the shipping trade is in our own hands almost as exclusively as that of our own colonies. Now, the Government is about to surrender the whole of these advantages, without having secured anything like an equivalent. Let us take the United States. They are our most formidable rivals in the direct trade at Liverpool; they double us in tonnage, and now the Government by this measure proposes to give them the advantages which, up to this time, are exclusively monopolised by ourselves, and they invite them to competition with us in those three quarters of the globe. I ought to state that no ship, not even a British ship, can import any of these articles enumerated, the produce of Asia, Africa, or America, from certain ports in Europe; and the object of this was not unimportant to shipowners in general —it was to maintain a protective trade from the places of production to this country, the place of consumption; and also to secure to us the establishment of that great warehousing system which we have found to be so important to our commerce. I freely admit that this principle may be pushed too far—I admit that there are articles in respect to which it is unnecessary to maintain these restrictions—for instance, the case instanced by the Government, namely, that of cochineal from the Canary Islands. I am free to admit that the case of cochineal is a hardship and a grievance; for whereas it is produced principally in the Canary Islands, which are within the limits of Africa, and with which we have very little traffic, it is impossible to import that article, except direct from the Canary Islands, with which we have no trade, and that article would not be sufficient to make a whole cargo. But if it be imported into Spain or any other country in Europe, it is not competent for us to import it into this country, even in British vessels. Now, I admit that that is a restriction, so far as it goes, which does not assist the interests of our navigation in any way. What, however, I suggest to meet the exigences of all such cases is, while I maintain the principle I will allow exceptions. The principle that was applied to Europe in respect to the "enumerated articles" I would apply also to the long-voyage trade. I propose that there should be an enumeration of those bulky and valuable articles in respect to which restrictions are still to be maintained, and it is still important to uphold our rights; but in regard to other articles I propose the same relaxations as are now permitted, in regard to the European trade, admitting their importation in British ships, or in ships of the countries in which they are produced, and giving Her Majesty power to allow them to be brought in vessels of third countries with which we shall obtain concessions of reciprocity. This is rather a complicated subject. These modifications are founded upon the principle of maintaining that which was important to our navigation, and doing away with that which is inconsistent with the interests of our commerce. I now wish to call your Lordships' attention to a very remarkable paper that has been laid on the table this morning, upon the Motion of a noble Lord, and which I have hastily examined. It contains a list of the vessels and coasters, belonging to all nations, trading inwards and outwards at the port of Liverpool during the year 1848, specifying the nations to which these vessels belonged, the countries from which they came, and the produce in which they traded. The whole amount of tonnage entered inwards was 1,320,746 tons, exclusive of steamers and vessels in ballast. Now, what proportion of these was British shipping alone? Why nearly 800,000 tons. The remaining 500,000 and odd tons were foreign vessels, from all nations. But what is remarkable is this, that no less than 173,000 tons was the amount of shipping that was then engaged in trade with our colonies, of which we have now the exclusive enjoyment, but which by the Bill pro-

posed by the Government we are called upon to surrender: of the remainder, a very large portion is shipping engaged in trade with those countries which have no shipping of their own. Your navigation laws have hitherto protected you against the ships of any other country; these laws you are called upon to repeal, although they give you as exclusive privileges in the trade of the world as you possess in respect to your own colonies. I beg now to call your Lordships' attention to the proportions of shipping entering the port of Liverpool, in 1848, belonging to each country with which we have carried on a direct trade upon the principle of strict and absolute reciprocity. From Sweden and Norway there was not a ton of British shipping in 1848; there was about 2,200 tons of their own shipping. From Denmark there were 245 tons of British shipping, and 5,571 tons of Danish shipping. From Prusssia 6,000 tons of British shipping, and 16,000 tons of Prussian shipping. From Holland 1,300 tons of British shipping, and 7,600 tons of Dutch. From Belgium, 2,300 tons of British shipping, and 6,798 of Belgian. You are about to extend the principle to the whole of the world. There was no doubt that the amount of British shipping from the United States was very considerable. In the past year the amount of British shipping that had entered the port of Liverpool from the United States was 209,000 tons; but as against that 209,000 tons what was the amount of the American shipping that entered the port? Of American vessels there came not less than 641, as against 301 British vessels, and against the 209,000 tons, the tonnage of the American vessels was 452,000 tons. Now, my Lords, that may be a gratifying result, as regards the amount of British shipping; but I venture to state that as the Americans are our direct and actual rivals, that if we permit open competition with them, we must be prepared to see them obtain a large proportion of the trade which we now enjoy in every part of the world. If, under the present arrangement, they obtain double, or more than double, the amount of the direct trade between Liverpool and the United States, I ask you what security you will have that in any part of the world, and in any sea, in the carrying trade, the Americans shall not be able to obtain a preponderance, and largely increase their existing trade? And in the event of any rupture between this country and the United States—which God grant may be far distant!—rely upon it that the rivalry of the United States will be carried to a much greater extent. Remember that in the direct home trade the Americans have already beaten you. You are now about to throw open to them the trade of your great Eastern empire—the trade of China—the trade of the Brazils—the trade of Cuba—the trade of your North American colonies—and the trade of your West Indian and Australian colonies. And you are about, no demand being made upon you—no reason being shown—no State necessity being urged—the mercantile and shipping interest, on the contrary, imploring you to desist, and the naval supremacy of the country being endangered—you are about to throw open the commerce of the whole world to those your most formidable rivals. At least, my Lords, I should say you ought to proceed with caution—at least you ought to proceed upon the principle of reciprocity, and limit the concessions strictly to those countries which would enter into those terms of mutual reciprocity—but here there is no reciprocity whatever. The Americans have nothing whatever to give you in return. Why, my Lords, there are 170,000 tons of shipping from the port of Liverpool alone engaged in the colonial trade, and you are offering to throw that open to the United States, without any corresponding advantage whatever being granted to you. I do not speak as to the political consequences which may follow from a close commercial intercourse between the United States and some of your colonies; I am speaking now, not of its effect, even upon your commerce, but upon your shipping, and the consequences which must naturally and necessarily follow, that if the Americans have been able, under the present circumstances, to get the better of you in your direct trade, you may be certain they will then get the better of you in your indirect trade; and should they take into their heads to abuse the privilege you are about to concede to them, they will become your most formidable rivals in your own colonies. I have now stated to you, my Lords, the whole of the Amendments upon these two clauses which I am about to lay before your Lordships. I shall not enter into the question (because it is a separate one, and I do not wish to weary your Lordships) of the relaxations which it is my intention to propose in a subsequent stage of the Bill, more particu-

larly with regard to that colony which was referred to the other night. But I think it right to say that, assuming what I have taken the liberty of stating to your Lordships has been understood, I propose, on the one hand, to retain the great principles of the navigation laws—and these I take to be, in the first place, the maintaining exclusively the shipping trade of our colonies with the mother country; in the next place, to maintain, so far as we can advantageously, the long-voyage trade as regards those countries which have no shipping of their own, and which are, therefore, most valuable to the British shipping interest. I propose to maintain, as an object of paramount importance, that which you propose to do away with by this Bill —namely, the confining British registry to British-built ships; and to maintain unimpaired the great shipping interest of this country, which, if you sacrifice, with the view of conferring a small and unimportant benefit on the shipowners, you will find that in endeavouring to relieve them you will have inflicted irreparable injury upon the mercantile and commercial classes; upon men that in the hour of danger have hitherto enabled you to maintain the naval and maritime supremacy of this country. My Lords, I propose on the other hand to retain inviolate the main essential principles of the navigation laws; but I propose at the same time to give, in some cases absolutely, and in some permissively, power to Her Majesty in Council, when she shall be so advised, to permit relaxations to be made in favour of those countries which are willing to enter into reciprocal arrangements with us for the mutual advantage of both; in those cases in which the concessions may be made with advantage to commerce, and without materially injuring our maritime superiority. My Lords, I protest against the principle adopted in the Bill of retaliating upon a country which does not respond to your propositions. In the next place, it does not make it imperative on you to make exceptions in favour of those who do not meet your views. Instead of taking a course than which surely nothing can be more offensive, of granting a general concession, and then in the case of some particular country turning round, and saying "because you have not done something which we wished you, we will take a step in a hostile sense as a measure of retaliation for an act of apparent hostility on your part," surely, my Lords, the better course would be to say, "our navigation laws lay down certain principles, but Parliament has authorised us to modify them in favour of such countries as enter into amicable relations of commerce with us. Enter into these relations, and we will grant freely these concessions; abstain from them, and you will not be entitled to these concessions which we are authorised to make to your shipping." My Lords, I need hardly urge the importance, if we are conceding anything to foreign countries, who must be more or less our commercial rivals—I need hardly urge the policy and justice of securing some reciprocal advantages. I have heard it said, that such a course is not worthy of a magnanimous nation. I think a nation has no business to be generous, no business to be magnanimous in such matters. On the contrary, in all commercial business I should carry out the commercial principle of giving nothing for nothing. We owe nothing to other countries, and I see no reason why we should sacrifice our own shipping and commerce in order to maintain a character for generosity and for liberality. With these observations, having stated the object with which I propose this Amendment to your Lordships—having now proposed the insertion of those words which, without committing any of your Lordships to the details, will bring to issue this question, I now leave the matter for your Lordships' decision. I do not, in the first instance, propose to omit anything, but merely to introduce certain words, namely—

"In case it shall be made to appear to Her Majesty that any foreign country is willing to concede to the ships of this country the like privileges and advantages as are enjoyed by or intended to be conferred on the ships of such foreign country, or advantages equivalent thereto, then and in such case it shall be lawful for Her Majesty, from time to time, by any Order or Orders in Council, to be published and revocable as hereinafter mentioned, to authorise and declare as follows: that it is to say, it shall be lawful for Her Majesty to authorise and declare"—

and so on, as would follow. I do not wish to bind your Lordships to any specific modifications, but I ask you to affirm or deny the *modus operandi* of this Bill. Will you proceed by repealing first and retracting afterwards, or will you proceed upon the opposite, and as it seems to me safer, course of authorising Her Majesty in certain cases to make concessions in favour of those countries who are willing to enter into reciprocal treaties? That is the principle to which in the first place I wish to call your Lordships' attention.

The alterations I propose are not so large as they are made to appear by necessity of great technical and verbal alterations in the framework of the Bill. The question your Lordships have now first to decide is, will you at once commence by repealing those navigation laws which have been long recognised and maintained as the source of the maritime supremacy and the naval strength of the country, and in favour of which your mercantile and shipping interests are earnestly and anxiously praying your Lordships; or will you meet that principal inconvenience that has been urged against these laws by simply vesting in Her Majesty a dispensing power in those cases which may seem to Her Privy Council advisable, in favour of those countries which are willing to confer upon us the same advantages we offer to them?

Then it was moved—

"To insert in Clause 1, line 6, after the Word 'That' the following Words; viz., 'in case it shall be made to appear to Her Majesty that any Foreign Country is willing to concede the Ships of this Country the like Privileges and Advantages as are enjoyed by or intended to be conferred on the Ships of such Foreign Country, or Advantages equivalent thereto, then and in such Case it shall be lawful for Her Majesty, from Time to Time, by any Order or Orders in Council to be published and revocable as hereinafter mentioned, to authorise and declare as follows."

EARL GREY said, it would be convenient if, before he proceeded, the noble Lord would further explain the exact nature of the Amendment he now proposed. The few words which the noble Lord now proposed to insert, were probably intended to be substituted for the repealing part of the clause. As he had understood the noble Lord, he said he objected to the repeal, and would only make certain modifications; but then he proposed the insertion of these words, which, as he (Earl Grey) understood them, would not make sense unless something was added to them. The noble Lord proposed to omit the words by which the existing Act was repealed; but did he mean, in the event of his Amendment being adopted, to allow the remainder of Clause 1, as it now stood, to continue in the Bill? Then, with respect to another of the Amendments of the noble Lord, there was at present a very material blank to be filled up with enumerated articles. He wished to know what would be the amount of those enumerated articles? Until the enumerated articles were specified, it would be impossible to know whether this particular Amendment would constitute a great alteration of the Bill, or amount to nothing at all.

LORD STANLEY said, that the noble Earl would see by his notice of Amendment that he proposed to omit the repealing part of the clause. If the words he now proposed, agreeing to the mode of legislation, were inserted, he would then propose that their Lordships should consider the clause; and when they came to the words of the clause which repealed the existing enactments, it would then become his duty, or that of some other noble Lord, to object to the repeal of those Acts which were proposed to be repealed by that clause. But, in the first instance, the most convenient course, to save the time of the House, appeared to him to be to propose the insertion of the words he had read, for the sake of the assertion of the main question, whether their Lordships would adopt the principle of the Bill, or that proposed by the Amendment. But he did not pledge any noble Lord, by the adoption of this preliminary form, to the adoption of any particular Amendment to be afterwards proposed. With respect to the second question as to the blank, his answer was, that when they came to that part of the clause, he should be prepared to lay a list of articles on the table. He had already stated that his object was to maintain the existing law with respect to the more bulky articles, but not to enumerate those minor articles which were now prohibited, without producing much advantage to our shipping. He did not see the necessity for enumerating particular articles, or laying every detail upon the table before their Lordships had come to the question whether they would extend to Asia, Africa, and America the same principle which prevailed in Europe.

EARL GREY wished, as a matter of curiosity, that the noble Lord would inform the House whether, among the articles he enumerated, would be included those great articles of commerce—tea, coffee, sugar, and tobacco?

LORD STANLEY: Every one of them.

EARL GREY then proceeded to address the Committee on the Amendment. On Friday last, the House was informed by the noble Lord that the alterations in the Bill which he contemplated were alterations of principle—that his view and that of the Government on this subject were so wide apart that he could not conceal from the House that he proposed moving Amendments which went to the very principle of

the Bill. The noble Lord had had three days calmly to deliberate over the matter, and he now informed their Lordships that the question he submitted to them was not one of principle, but of degree; and that it was only the *modus operandi* that their Lordships had to consider. Nevertheless it appeared to him (Earl Grey) that the noble Lord's first view of his own Amendments was the correct one; that the question was one of principle, and that as such their Lordships were called on to decide it. The noble Lord had further informed the House that the question now was not whether anything was to be omitted, but whether something should not be inserted. Now, he maintained that according to all Parliamentary usage, when a Bill was before the House, and an Amendment was proposed to introduce words utterly inconsistent with the wording of the Bill as it stood, the practice and form of the Amendment was to move to omit the words in the Bill for the purpose of inserting others. This course, however, the noble Lord would not take, although the insertion of the noble Lord's Amendment would not make grammar with the rest of the clause as it stood; and therefore if the Amendment were carried, the existing words in the clause must be omitted. The noble Lord proposed, in the first instance, only to insert certain words, and to wait for the enacting part of the Amendment till their Lordships came to the proper part of the clause. But the noble Lord admitted that, as it stood, his Amendment would not make sense or grammar with the other part of the clause; and that, if it were carried, that other part must be omitted. Why did the noble Lord deviate from the usual Parliamentary form? The reason was exceedingly simple. The noble Lord thought it would be a close division, and that there might be three or four noble Lords who would think before they struck out at one blow the whole principle of a measure which had already been agreed on at the second reading, and he therefore proposed something different, so that the division would be taken upon the mere question of the insertion or omission of these words. But the House was not to be so deceived, for the question, on the noble Lord's own showing, was the substitution of one mode of proceeding for another. It was to omit the clause proposed by the Government, with the view of introducing a different clause, which the noble Lord submitted to the House. The fair and direct mode of doing this would be to move to omit all the words after the word "That," for the purpose of inserting these other words. Having cleared off this mere matter of form, and showed that it was substantially a question of omission, they were to consider whether the repealing part of the clause was to stand or not. He would now proceed to compare the two modes of proceeding which were before their Lordships. The noble Lord urged them not to proceed hastily or rashly, and not to sweep away the whole of the navigation laws, and then wait for the results that were to follow. But if the views of the noble Lord were to be adopted—if it were admitted the Amendment which he proposed was all the change that ought to be effected in the law—still, even in that case, the reasonable course of proceeding would be to begin by repealing the law as it now stood. Among the objections which had been urged against the law as it now stood was this, that it was so extremely complicated that merchants could not properly understand to what provisions they were subject. It was clear, therefore, that if they left the existing law in force as it stood, and then repealed or modified certain of its provisions, the complexity would be greatly increased. So much was this the case, that, in the practice of modern legislation, whenever an amendment was about to be made in an existing law, although slight and inconsiderable, the most convenient practical course had been found to be to sweep away all the restrictions which existed, and then to re-enact one single law, retaining the restrictions which were required. In proof of this he would refer to what had been done with respect to that Act, the 8th and 9th Victoria, which the noble Lord professed his intention to amend. What was the history of that Act? In that year certain changes —he might almost call them infinitesimal, for they were hardly worth speaking of— were proposed in the custom laws. Still, as changes were to be made, it was found to be most convenient to begin by sweeping away the law as it stood, and then to re-enact its former provisions. The noble Lord now proposed a different course—to leave the existing law in force, and then to introduce certain amendments and modifications. Was there no reason for that? There was an excellent one; and he would tell their Lordships what it was. In beginning with the repeal of the existing restrictions, and then re-enacting those which

he thought it would be desirable to retain, the noble Lord would have been driven to the necessity of defending in detail all those restrictions which he was desirous of maintaining; he would have been driven out of those generalities in which on the present evening, and on a former night, he had taken refuge with such skill and success. He knew how very different a thing it was to urge the House not to touch that venerable system which for two hundred years had been the palladium of our commercial system and our maritime power, and to come down into details, and, meeting his opponents at close quarters over that table, to discuss one by one in what respect these restrictions were advantageous to us, and in what respect they were injurious. The noble Lord shrank from close quarters. He knew very well that if he brought their Lordships to look at the subject in detail, and to consider, item by item, and clause by clause, all those restrictions by which the commerce of this country had been fettered and incumbered, it would be shown that those restrictions were utterly untenable, and that the arguments by which they were supported could not be maintained. This was palpably the reason, and the only reason, for the course the noble Lord had thought it right to adopt. He (Earl Grey) was sorry the noble Lord had thought fit so to adopt it, because it compelled him, after having trespassed the other evening at considerable length upon their Lordships' time, instead of confining his attention to the restrictions which the noble Lord proposed to retain, to go a little over former ground by considering the restrictions which would be kept up if the repealing part of the clause were omitted, and the noble Lord's Amendments acquiesced in. The noble Lord began by referring to that part of the navigation law which placed a restriction on the importation of certain enumerated articles into this country from Europe, except in British ships, or ships of the countries of which such articles were the produce, or of the countries whence imported; but it was convenient for the noble Lord to pass very generally over that subject and avoid details. If the noble Lord had proceeded by repealing and afterwards by re-enacting, he would then have been compelled to explain on what principle the existing system of enumerated articles was founded. The noble Lord would have been called on to explain why it was that while corn could only be imported from Europe into this country in either a British or privileged ship, yet when the corn was converted into flour, it could come here in any ship—why wool should be placed among the enumerated articles, and subject to the same restrictions as to importation as corn, and yet when woven and manufactured it might be brought in by any ship. All these anomalies the noble Lord would have been called on to explain, had he not conveniently avoided the necessity by his course of proceeding. But with respect to these enumerated articles, the noble Lord did to a great extent give up the existing law; for he said that, with respect to all countries granting reciprocity, he would dispense with the prohibition as to importation of enumerated articles. [Here Lord STANLEY made some observation.] He understood the noble Lord not to make this concession generally, but only to propose to enable the Crown in certain cases to dispense with the prohibition in repect to the ships of nations acting on the same principle towards this country. He certainly did not think the present a convenient opportunity to discuss the whole question of reciprocity. He thought the principle an extremely bad one; but, if it were to be admitted, he thought the mode proposed by the noble Lord on the cross-benches was a better way of dealing with the question than that proposed by the noble Lord opposite; and while he believed that principle not much applicable to the question of the navigation laws, he also considered it very little applicable to the question with respect to the privilege of introducing enumerated articles. By the existing law enumerated articles could not be imported from any European port in any British ships, or any ships of the country of which the goods were the produce, &c., and consequently with regard to the latter ships the British shipping had no monopoly. There was no protection whatever, and our ships met on equal terms those of other nations; and the law operated disadvantageously in a way he would proceed to advert to. It was argued that the object of the law was to encourage our mercantile marine. Now, timber, pitch, flax, and hemp, were the great articles used in shipbuilding. In the import of these articles in the regular trade, British ships had no advantage—there was free competition; yet, if at the particular moment when the British merchant wished to import them, there happened not to be at the foreign port the requisite privileged

ship available, the British shipbuilder was deprived of the advantages of these articles, though there might be at the time another ship not privileged in the port. But the noble Lord proposed to retain this restriction with the view of punishing other nations which did not give to this country certain privileges; but he (Earl Grey) saw no advantage to the shipowner here, or disadvantage to the foreigner, by pursuing such a system. Either it was desirable to open the trade further, or it was not. If it were desirable, open it; if not, keep up the restrictions. But there was no ground for saying, if restrictions were admitted to be bad, that they should, nevertheless, not be repealed, unless foreign countries would also repeal their restrictions. It was desirable that France, for example, should get rid of such a system as it applied to them; but what was desirable to us was, that our own merchants should be relieved from the restrictions which, in certain instances, pressed very severely upon them. The next provision of the law related to the home trade; and the noble Lord stated fairly, he meant to maintain the law as it stood as regarded the power of importing the produce of Asia, Africa, and America from the ports of Europe. The noble Lord meant to keep the restriction as applicable to all material articles, removing it only with respect to such articles as were unimportant. The noble Lord's reason for this provision was remarkable, for he said his object was to maintain the advantage we possessed in our great warehousing system and indirect trade. But the noble Lord did not attempt to answer the arguments urged the other night with great force by the noble Vice-President of the Board of Trade, and by the noble Lord at the head of the Woods and Forests, showing that the existing law, so far from tending to maintain this indirect trade and warehousing system, was quite certain to deprive this country of the advantages of them. This country now carried on a most useful trade by bringing produce here, such as sugar, tobacco, and coffee, from Asia, Africa, and America, which produce was placed in warehouse, and afterwards sent to every European market, as the demand for it arose. By the existing law, this country could send those articles to Russia, Hamburgh, and different European ports; but if the present law should be maintained as it now stood, Russia had passed a law by which, at the expiration of the existing treaty, those articles could no longer be sent to Russia. The same thing would happen with respect to the Hanse Towns, Northern and Southern Germany, for distinct notice had been given that if this country continued its restrictions, those nations would impose similar restrictions on British shipping; and, therefore, in 1853, supposing the existing navigation law to be maintained in all its stringency, the lucrative trade of bringing sugar from the Brazils and Cuba, and sending it to Russia, Trieste, &c., and that system which converted Europe into a single commercial market, would be destroyed, to the great loss of this commercial country, and to the injury of the whole civilised world. Foreign nations, by simply approaching to us in the restrictions which we imposed, would render the continuance of our present system impracticable, without absolute ruin. All the great European countries, instead of importing articles from the port of the country where they were produced, or from English ports, according to their wants, would be compelled, in self-defence, to have all of these articles imported directly from the countries where they were produced. By such a course many of our commercial markets would be destroyed. This great commercial country would be the chief sufferer by the general adoption of such a system, although all the other countries in the world would be injured, so far as a portion of general trade would be destroyed. The noble Lord did not scruple to avow that we should be jealous of the proceedings of other countries, and, above all, of the United States, and that we should only consider our own interests. Even in these matters of trade, he (Earl Grey) did not like to hear these maxims; for he thought that the effects of a narrow principle of selfishness, whether in nations or individuals, were likely at last to recoil upon the party actuated by such a feeling. Other nations were very liberal in all these matters, allowing this country to participate most fairly in the indirect trade, and to warehouse goods for their consumption; but if we, not being satisfied with a share of these benefits, wished to make laws to engross the whole to ourselves, it then was not a matter of speculation, but of certainty, that they would follow our example, and we, like the Dog and the Shadow, not being content with that we possessed, but desirous of engrossing all, would lose that

of which we now had the benefit. If they persisted in legislating in this spirit, they would only injure their own trade throughout the world; and by leading to the general adoption of such a system, instead of obtaining any advantages, they would suffer severely. The noble Lord had told them, and he (Earl Grey) was not surprised to hear him say so, that he should avoid explanation on the third Amendment, which related to the colonial trade.

Lord STANLEY observed, that they had not yet come to that subject.

Earl GREY would, however, show that they had come to that topic; for it must be considered with the other parts of the question. It was very necessary that their Lordships should know the bearing of this part of the question, and that it should not be kept in the back ground so as to induce the House not to adopt this Bill for the change of these laws. It would be his duty to show what was the effect of the present laws on the colonies; and, also, what would be the effect of the Amendment of the noble Lord on the colonies. Before, however, he did so, he would refer to a point in connexion with the indirect trade of the country, which he had forgotten to allude to, but which, he thought, was of the greatest importance with respect to the consideration of this question. The noble Lord said, that the effect of this indirect trade was a matter of importance, and he agreed with him in that opinion. The noble Lord complained that by the operation of this Bill they would open the trade of the world to their most dangerous rivals, the Americans, and he called upon the House to attend to the fact of the successful competition of the ships of the United States with those of British shipowners at Liverpool. The noble Lord had told them, that the Americans were the most dangerous rivals of this country; and, he added, if ever this country and the United States should be engaged in war, it would be one of the most severe and dangerous struggles that ever occurred between nations, for the success with which they competed with us all over the world showed them to be most formidable rivals. The noble Lord referred to the trade between the United States and Liverpool, with the view of showing what disadvantages we laboured under in our trade with the United States. Now, if he (Earl Grey) wished to show that the existing laws were not beneficial to our commercial navy, but were most injurious to it, and were only of advantage to those who were rivals or opponents to us, he would refer to this case, as illustrated in a return which he had laid on the table that morning. Their Lordships must recollect, that on the second reading of the present Bill, their attention had been called, by himself and his noble friends around him, to the evils which the existing law imposed on our trade with the United States. The American law was, that there should be the same restrictions in the ports of that country on foreign ships as were imposed on American ships in the ports of that foreign nation. The effect of this law at present was that American ships were debarred from bringing any portion of produce of other countries from the ports of the United States to this country; and English ships were prevented taking to the United States any articles not the produce of this kingdom. So far as the direct trade to this country from America was concerned, the matter was of little or no importance, for the general trade to this country was composed of heavy articles, the produce of the United States, from New York or New Orleans, such, for instance, as corn or butter; therefore the restriction was not felt by them. But the trade back was very different. The trade from this country to the United States was chiefly in manufactured goods, with additions of articles not the produce of this country. It was of great importance, in sending out cargoes to the United States, that they should be properly assorted, so that it was necessary, with large quantities of Manchester and other manufactures, to send some packages of French or Swiss goods, to make up the cargo. Under the present law this could not be done by an English ship, but a ship of the United States could carry these articles. It was essential that they should look to the trade there and back, as it was most important that the double voyage should be successful. The consequence of the present state of things was, that English ships were exposed to very great evils from which the American ships were free. The return on the table of the House to which he had before adverted, showed this, and that the freight of goods hence from America, in an English ship, must depend upon the nature of the voyage outward. Therefore, if ships went over to the United States in ballast, it must enhance the charge and expenses of the voyage home. If noble Lords would refer to the return respecting this important trade, and look to the ton-

nage of British ships in ballast and American ships in ballast which sailed from the ports of this country to the United States, what did they think would be the result? If they looked to the number of British and American ships engaged in the trade between this country and the United States, they would find it was truly stated by the noble Lord, that the former was only half of the latter; for the American ships were more than double ours. If, in addition to this, they took the ships that went out to America in ballast, they would find during last year the tonnage of British ships so proceeding was 15,000, while that of the United States ships was 13,000 tons. Therefore there was 2,000 tons more of British over American shipping in which no profit was made on the net voyage, and this, too, out of less than half the number of ships. But this was not all. It was of importance here to observe the operation of the law. By the operation of the existing law the ships of this country were restricted from combining voyages, which the Americans could undertake. An American ship could bring over a cargo of cotton from New York or New Orleans to Liverpool, and could then take from any port in this country a cargo of goods, the produce of all parts of the world, to Rio, and then take in sugar for consumption in the United States. If they passed this Bill in the shape in which it was imposed by the Government, it would enable the British shipowner to pursue a similar course; but if the Amendment of the noble Lord was carried, they would continue to be deprived of every advantage of the kind. Would they tell him that this was not a reason for altering the law, by which they gave such an advantage to our most dangerous rival? The existing law gave a most decided advantage to American over English ships. If English shipping were placed under such disadvantages, must it not be clear that they would be unable successfully to compete with the ships of the United States? They could compete with American ships in carrying sugar from Rio to ports on the Continent, and in every instance they could successfully compete with the American ships when on equal terms; but we could not compete with American ships as regarded voyages between England and the United States, simply because by our restrictions we imposed disadvantages upon British shipowners, to which American shipowners were not subjected. It was notorious that a very large proportion of the seamen on board American ships had been brought up in our own service, and they were induced to leave our service and enter these ships in consequence of the indirect operation of this law. He was perfectly satisfied, however, that if the British shipowners were placed upon equal terms with the American, the British shipowner would be enabled to engage in advantageous rivalry with regard to the trade between the two countries. He now came to the colonial part of the question. The noble Lord opposite had said the other night that Canada had a very strong claim on the consideration of this country, and he (Earl Grey) was curious to know what the noble Lord's proposal would be. He confessed, however, that he was surprised when he read the Amendment the noble Lord had proposed; for the noble Lord left all our other colonies exposed to the disadvantages to which they were now subjected; and with respect to Canada alone he proposed to make a concession which, in his (Earl Grey's) opinion, would be altogether worthless to that colony. It had been contended that the claim of Canada was this. The complaint of Canada was that you had exposed her produce to equal competition in the markets of this country with the same produce from the United States, without giving them the advantage of being enabled to get equally cheap shipping as the people of the United States obtained, which might be seen if you allowed American ships to load outward from Canada with cargoes to this country. But what were the noble Lord's intentions? He proposed to do something for the American shipping, and to a certain extent to break up this most disgraceful restriction, and in doing so, he proposed to set up American ships against those of Holland or any other friendly State, without the least regard to existing treaties or our political relations with other countries. In short, the noble Lord proposed to give protection to American ships against those of all other countries in the world. The noble Lord, however, was not doing practical justice to Canada, for what Canada wanted was ships which should convey her produce at a low rate, and take back goods at low freights to that country. If the noble Lord would refer to the Minute of the Executive Council in Canada, he would find that they did not refer to a matter of opinion, but to a matter of fact. It stated that during the recent suspension of the navigation laws, with re-

spect to the importation of corn, not less than twenty-two ships arrived in the St. Lawrence from Bremen with emigrants, whose destination was the United States. These emigrant ships, they were told, conveyed back corn and other produce to England, at a much lower rate than English ships; and the Canadians largely gained by these cheap ships conveying their corn at an easy rate to this country. The noble Lord's Amendment entirely failed to meet this part of the case. A Bremen ship might carry out emigrants to the St. Lawrence, but she could bring no return cargo, and she must therefore continue to go to New York. The noble Lord would not allow United States ships to trade with Canada in a manner which would make it worth their while to do so. Canada imported a great quantity of sugar and other articles from Cuba; and if United States ships were allowed to carry into Canada sugar from Cuba, or from other countries, they might, if they were allowed to do so, carry back lumber and corn to those places or to this country at a much cheaper rate than at present. The noble Lord in his Amendment made no provision for any case of this kind. He (Earl Grey) might press this part of the case much further, but he felt it to be unnecessary to do so; for what he said with respect to this one branch of trade with Canada applied to all other articles. The noble Lord in his Amendment proposed nothing of substantial advantage to the Canadians, for this could not be effected without throwing open the St. Lawrence to ships to resort to from all parts of the world, that the colonists might thus have the opportunity of cheap conveyance for their produce. He might be allowed to observe that it was a most dangerous principle to lay down, that they should make such a concession as that proposed by the noble Lord in favour of one particular colony only. What would be the feelings of the inhabitants of New Brunswick and Nova Scotia, if the proposition of the noble Lord was adopted? They had the same interests as Canada, and were affected in the same way by the navigation laws; and if they were not placed on the same footing as the Canadians, it would create very great dissatisfaction. Part of the inhabitants of New Brunswick might be glad to have the navigation laws as a whole maintained; but at the same time they would be glad to be emancipated from some of the restraints imposed upon themselves; and, if such emancipation were granted to Canada, very great dissatisfaction would be created in New Brunswick. The case of Nova Scotia was still stronger. The trade between that colony and the United States, if it were not for existing restrictions, would rise to great importance; but by those restrictions it was entirely crippled. He would ask their Lordships whether, having passed laws by which the produce of their colonies was exposed in the home markets to free competition with the produce of all other countries, they could refuse to those colonies the advantages of this free competition? He would remind the House —for the noble Lord did not dispute the facts—that even the great author of the navigation laws, Oliver Cromwell, allowed their suspension as regarded the American colonies. In the time of the Stuarts, the power of this country was defeated in them when attempts were made to put these laws in force. Practically, for one hundred years in these colonies, they had allowed those laws to be merely nominal. During this period British America made great advances in wealth and population; but, in an evil hour, when an endeavour was made to enforce these odious restrictions in trade, the struggle was renewed, which ended in tearing from this country, after a fatal and disastrous war, such a large portion of the empire. What now would be the effects in the colonies when you told them that their produce should be deprived of all protection, but that they should not have the advantage of competition? Such was their past experience with regard to the navigation laws, and that, too, at a time when they maintained in this country a monopoly in favour of their colonies. He would remind them that these facts which he had mentioned on a former occasion, had not been controverted by the noble Lord opposite; and he would ask them to apply the lesson which such facts inculcated. The noble Lord did not deny that, even at present, in some of the colonies, we did not adhere to the exclusive system enforced by these laws; for after the American war, they had practically abandoned a great part of the former monopoly. They allowed the system of free ports to be established; but still sufficient restrictions were maintained to be most galling to the colonists, and most injurious to their trade, while there were not enough to be of any practical advantage to British shipowners. The protection they still maintained was not in

favour of, but against, the shipowner. While the trade between British colonies was confined to British ships, of course those ships had the full advantage of that trade; but by the system of free ports they had practically admitted the United States to share in that trade. Lumber and provisions could go from all the ports of the United States to Jamaica, as they could go to Cuba; but the United States ship could not carry the same articles from Quebec. The American ports had therefore the advantage of competition in trade with their colonies, while the St. Lawrence suffered from the disadvantages of restriction. In the same manner, with regard to sugar, that article would in four years be allowed to be imported freely into this country from all parts of the world. The Jamaica planter would then have no reason for sending more to this country than to Hamburgh; and if the producer in Cuba were allowed to send his sugar to Hamburgh in the ships of any nation, while he was restricted in sending it to this country, they would give the Hamburgh or Dutch refiner a practical protection against the British refiner. The foreign refiner would be enabled to obtain the sugar which he wished to refine for a foreign market at cheap freights, while the English refiner could only obtain his by means of dear ships. Then with regard to Trinidad. The noble Lord said that the real difficulty respecting that colony originated in the conduct of Her Majesty's Government. The noble Lord said that the Act of Parliament as it stood gave a power to relax the law to Her Majesty's Government; but, even if that were done, it would not allow the admission of French goods into Trinidad in the way desired. This case with regard to Trinidad was a good illustration of the operation of these laws. Trinidad was originally a Spanish colony, and the taste of the inhabitants led them to prefer the use of French or Spanish goods. Under these exclusive laws, those goods which the inhabitants of the colony were anxious should be imported into Trinidad, could only be imported there from France or Spain in British ships. It was not worth while, however, to employ British ships in this trade; the consequence was that these goods were conveyed from Martinique to Trinidad, so that the inhabitants of the latter place had to pay a much higher price for them than would otherwise be the case. A better place than Trinidad could not be pointed out in the West Indies as a mart for French and Spanish goods.

LORD STANLEY observed that they might be admitted under an Order in Council.

EARL GREY: It was true that an Act of Parliament provided that the Crown might, by Order in Council, admit goods into our colonies from foreign countries, provided those countries admitted British ships to trade with their colonies, and that that Act further provided, that even if complete reciprocity was not given, still it might be in the power of the Crown to make a relaxation. But it was impossible for any man to read that Act, and the treaty with France concluded in pursuance of it, without seeing that it was substantially intended to carry into effect the system of reciprocity. It had been so understood, not by the present Administration only, but by all successive Administrations which had been in office since the Act was passed. It was passed originally by Mr. Huskisson, and it had been understood as conferring upon the Crown no discretionary power beyond this—that of relaxing prohibitions only in those cases where a substantial reciprocity was granted by foreign countries. With respect to France and Spain, this law gave no facilities at all, as these Powers would not place this country on a footing of reciprocity. By this course, then, they left this trade to Martinique, and exposed our own colonies to a very great and serious disadvantage. But what would be the result of their opening the trade and despising reciprocity? It would be, that Trinidad would have so great an advantage in the general trade of the world, compared with Martinique, that he would venture to say if the navigation laws were altered in this respect, a twelvemonth would not expire before every merchant at Martinique would make reclamations to the French Minister for a similar change in the law which would thus appear to be so injurious to them. By these restrictions a most serious injury was inflicted on our colonies; and so far from injuring the French colonies, they were productive of advantage to them, for by means of them the whole trade was driven from Trinidad to Martinique, notwithstanding the advantage of the unrivalled port of the former, as well as its proximity to the Spanish Main. He would ask whether there could be a stronger example of the practical working of these odious restrictions? He trusted that he had now said enough to show that the law,

as it stood, contained restrictions which inflicted heavy and systematic injury on our commerce and colonies.' At the same time there were other points with respect to which it was impossible for any man to say what were their effects. It often happened when they received small duties on articles, they suddenly found they grew up to be of considerable importance, connected with the arts or manufactures of the country. No man could know the extent of injury which restrictions created until those restrictions were removed. When they set free the ingenuity and enterprise of their merchants, they would find for themselves modes of carrying on their trade of which they had never previously dreamt, and would devise new combinations by which the commerce of the world might be more beneficially conducted. They had seen this in repeated instances where duties had been removed. In many cases when a duty had been repealed, an article previously deemed of no sort of consequence sprang into great demand. For instance, all the Members of that House must remember an article upon which formerly there was a small duty, which had been removed—he alluded to the article India rubber, the consumption of which had increased to a most extraordinary extent, since it had been found that it could be practically and advantageously used for a great variety of purposes to which it was never before applied. Formerly the extent of the importation of this article was trifling, and nobody at that time would have attempted to form an estimate of the importance which had since been found to attach to it. No sooner was the duty repealed, than at least one hundred new uses were found for this article, which now was of such importance in the arts. This was a fair illustration of the principle to which he had adverted. He said, therefore, he had a right to call upon their Lordships to remember what were the principles at issue between the noble Lord across the table and himself, for the former wished to maintain practical restrictions, and to do nothing more than was absolutely necessary in the shape of change. Her Majesty's Ministers, on the contrary, proposed to begin by repealing restrictions, and then to impose those which were shown to be necessary. If restrictions were shown to be necessary, he (Earl Grey) was content that any one restriction for which even a plausible case could be made out, should be reimposed—that any restriction really of advantage and not injurious to trade, should be restored. He protested, however, against the principle of leaving the *onus probandi* with the opponents of restriction; and he contended that they ought not to begin by striking out of the Bill those clauses by which existing restrictions were repealed, and making the law more complicated by adopting the exceptions proposed by the noble Lord. There were many points in the noble Lord's speech to which he might advert, and he might refer particularly to the assertion which it contained, that the opinion of the country was against the measure; but he did not think it desirable to enter into that argument, but he begged to assure the noble Lord that he utterly dissented from his view of the subject. He believed that the opinion of the country was not adverse to the measure, though a factitious and artificial clamour had been raised against it in certain quarters. He believed that the deliberate sense of the country was in favour of the measure which Her Majesty's Government had proposed; and he trusted that their Lordships, having agreed to the principle of the Bill by voting for the second reading, would not now practically rescind that vote by assenting to the Amendment of the noble Lord.

Lord WHARNCLIFFE was understood to say that on this as well as on other occasions, nothing was more important than to ascertain the exact footing on which a question was placed; and that was especially necessary where the question was one of so much complication as the present. It was with that feeling that he ventured to present himself to their Lordships' notice at this point of the debate, because he was anxious, at as early a period as possible, to explain, not indeed the whole of the case upon which he meant to rest the Amendment of which he had himself given notice, but at least the general nature of the grounds which led him to oppose the views of his noble Friend (Lord Stanley). His noble Friend had told their Lordships that in proposing his Amendment he had sought to introduce matter not essentially differing from the principle of the Bill, but differing only as to the mode of procedure. Now, from that statement he begged to dissent. If his noble Friend had confined himself to a general resolution, requiring that the principle of reciprocity should be maintained, there might have been some ground for such a statement; but his noble Friend had laid on the table, in exposition of his views, not an abstract resolution, but a distinct proposition for an alteration of the

Bill. He (Lord Wharncliffe) maintained, having studied this Amendment with attention, that so far from being an Amendment comprising a difference with respect to the mode of procedure, it contained provisions so utterly at variance with the whole spirit and principle of the Bill, that no one who had voted for the second reading could support the alteration which would be made by the Amendment. Let their Lordships consider what were the contents of the Amendment. They must look at its effect upon several important branches of navigation. The Bill of Her Majesty's Government proposed to reserve nothing but the coasting trade, and to throw open the rest of our trade to the whole world, except in cases where it might be deemed advisable to impose retaliatory restrictions. To that retaliatory course, he, in common with his noble Friend, objected as unwise, but there his agreement with him ended. He would now beg their Lordships to consider the effect of his noble Friend's Amendment with respect to the coasting trade. It would leave the coasting trade on its present footing, but it would still render it necessary that the ships engaged in that trade should be built in England. Then, with respect to the colonial trade, Her Majesty's Government proposed to throw it open entirely to foreign countries, and so enable the colonies to avail themselves of all the advantages which would result from freedom of navigation. His noble Friend, however, proposed to confine his relaxation to the trade of one particular colony, and thus practically to establish protection in favour of the country with which it is allowed to trade. With respect, then, to the colonial trade, at least, there was some greater difference between the Amendment of his noble Friend and the Bill of Her Majesty's Government, than related to the mode of procedure. He did not see, therefore, how he could, without inconsistency, vote for the Amendment after having voted for the second reading. He would now call the attention of their Lordships to the foreign trade, and first of all to that portion of it which related to the trade with Europe. The restrictions on our foreign trade depended on a list of enumerated articles. He (Lord Wharncliffe) considered that the principle of the Bill was to make relaxation the rule, and restriction the exception; whereas the Amendment of his noble Friend made restriction the rule, and relaxation the exception. He would take again the trade in articles coming from Asia, Africa, or America. The Bill proposed to repeal the existing restrictions, and to admit goods from those countries, even though they should come through European ports; but his noble Friend wished to establish a fresh list of enumerated articles, which would very much increase the complications even of the present law. There was nothing, in his opinion, more obviously felt than the extraordinary complexity which the change that his noble Friend had proposed would have the effect of introducing. Instead of simplifying the operation of the law, it would have the effect of doubling its complexity. In the first place, with respect to the European trade, there were two classes of articles, one of which came under the enumerated list, and the other not, and both were differently dealt with by the existing law. But if his noble Friend's Amendment were adopted by their Lordships, instead of their being only two classes of goods, one capable of being brought from Europe, and the other not, there would be a third class. The same would be the case with respect to goods brought from Asia, Africa, and America. Again, he would say that the prohibitions involved in his noble Friend's plan, and the complexity inseparable from it, were such that it ought not to receive the sanction of that House. He should not shrink from stating to their Lordships, when the proper time arrived, the ground on which he thought that the Amendment which he meant to propose would place that part of the Bill to which it applied on a better footing than that on which it now stood. In the meantime, he was desirous of merely going so far as to explain why it appeared to him that there was nothing in the Amendment of which he had given notice which should imply a concurrence in the Amendment proposed by his noble Friend. He had voted for the Bill with a sincere desire that its main object should be attained, and with no wish that, at a future stage, those great objects should be in any degree neutralised. As, therefore, it appeared to him that the Bill would be seriously injured by the Amendment before the Committee, he should vote against the proposition made by his noble Friend.

The EARL of HARROWBY so far agreed with the noble Lord who had just sat down, that he thought that any noble Lord who had voted for the second reading of the Bill would not be consistent if he voted for the present Amendment.

At the same time he could not see how an assent to the principle of a Bill involved the necessity of agreeing to all its details. He could conceive that some people might wish for some alteration in the navigation laws without desiring their total abrogation. The noble Lord had spoken of the complexity which would arise if the scheme of his noble Friend (Lord Stanley) were carried into effect. To some the carrying trade between this country and Asia, Africa, and America, would be opened; to others it would remain closed. But as long as there was a scheme of retaliation contained in the Bill, that supposed that there would be some countries which would not accede to the terms proposed by this country; and therefore, if those clauses ever came into operation, if any cases of retaliation occurred, there would be precisely the same result of complexity. In fact, the irregularity of action which had been attributed to the Amendment of his noble Friend, would apply with greater truth to the Bill proposed by Her Majesty's Government. He must remind their Lordships, that if the navigation laws were of any importance at all, they were of great, of vital, importance; it was not a little difficulty here, or a little complexity there, which would justify their abolition: nothing but a conviction that the interests of our navigation would in no degree be injured by their abrogation, could justify their abandonment. If, indeed, that conviction could be established, it was our duty to abandon them; for no one could deny that they always involved some sacrifice of convenience, some obstruction to commerce. To prove that, was nothing: it was admitted. The whole question consisted in this—could the change be brought about without danger to an interest on which depended our power, our very existence? The onus lay on those who proposed such a sweeping change to show that it could. Now, he could not see on what such demonstration could now be rested. In the course of the speeches made in support of the Bill, much stress had been laid upon the statistics which had been brought to bear on the question; but there was no one who paid the least attention to the course of the debate who could for a moment doubt that those statistics and calculations ought to go for nothing—not one of them could hold water; they were all blown to pieces. They had been proved on examination to have no bearing on the question; and yet on them, if on any evidence, the very existence of the State was to be put in peril. For let it be recollected, that it was not a measure from which they could recede when it had once passed, on account of the engagements with foreign States which would be created, and which could not be broken without danger of hostilities; and all this was to be done by reason of some mercantile inconvenience from the operation of the navigation laws, of which none complained. For who complained of it? Certainly not the merchants of England: the merchants of England had not complained of the navigation laws—the complaints had been made for them; but by their evidence and by their petitions they disowned it. The noble Earl the Secretary for the Colonies said that the people of England were favourable to the measure; but what evidence of the fact had he brought forward? What petitions were there? What public meetings? Certainly, there had been no petitions presented in its favour from any of the ports, with the exception of Dartmouth, from which also a petition had been presented against it; and one from a town of which he had never heard before—Blakeney, or some such place. He did not ask the Government to listen to the remonstrances of shipowners, because it might be said that they were interested parties; but as the Government declared that they wished to repeal the navigation laws for the benefit of commerce, they certainly ought to listen to the opinions of the merchants of England. Now, he believed, that from the whole mercantile body, only one petition had been presented in favour of the Bill, though certainly that petition proceeded from a very important town, which probably carried more weight with it at present than all England put together, and that was the borough of Manchester. To be sure, at last there was a little petition squeezed out of Liverpool, signed by 143 of the political friends of Her Majesty's Government; but disregarding the result of this hydraulic pressure, he would rather appeal to the natural feeling which found an irrepressible expression among all classes of the community in that town, when the repeal of the navigation laws was proposed; and their Lordships knew already that there had been in this same town of Liverpool numerous demonstrations not of shipowners only, nor of shipbuilders only against the measure; but of every class and variety of trade—parties who, if any, felt the pressure of the navigation laws, and who

would have been, of all others, the first to feel it, and the most impatient for its removal. He had no difficulty in preferring the course proposed by his noble Friend, by which the principles of the existing law would be continued; but such alterations in it would be admitted as were shown to be beneficial to commerce. The noble Earl the Secretary for the Colonies deprecated reciprocity; at least he thought it of little value; but he (Lord Harrowby) did not see how carriers could live, if they were entitled to carry only one way, while their rivals and competitors were entitled to carry two. The question was, whether reciprocity should be secured before foreign nations were admitted to share in the privileges hitherto reserved for our own subjects; or whether we should admit foreign nations to those privileges at once, and see if we could not obtain reciprocity from them afterwards. He did not see how it was possible to carry out the scheme of Her Majesty's Government. In the first instance, at any rate, they were going to expose British shipping not to a mere competition of equality, but of inequality. They could obtain no equivalent for our colonial trade; for where was the colonial trade which was equal to our own? The interests involved in this question were so large that he hoped their Lordships would be persuaded to adopt the course proposed by his noble Friend, and secure something in return before everything was given up.

EARL GRANVILLE said, that their Lordships had treated him with so much indulgence during the very unreasonable time he had trespassed upon their attention when he addressed them upon the question of the second reading of the Bill, that it would be unnecessary now for him to occupy their attention at any great length, and he would, therefore, condense as much as possible what he had to offer to the House on the present occasion. It was his earnest wish not to be wearisome, and, whatever might be the sort of excuse which the former occasion afforded him for being somewhat lengthened in the observations that he made, he was bound to say that there now existed no possible grounds for his taking up much of their Lordships' time. Upon the former occasion he followed a noble and learned Lord who addressed the House at great length, and with much eloquence, and who tried to prove that there existed no inconvenience whatever in the navigation laws as they at present stood, and that any possible change which might be effected in that code could not fail to be attended with danger and risk. Following a noble and learned Lord who had so spoken, it became necessary for him to go into the whole of the case. That which he was called upon to do this evening, however, was of somewhat a different kind from the task that devolved on him previously. This evening, certain important admissions had been made, and therefore was the character of the discussion changed. One noble Lord admitted that there was a hardship in the colonial case; a second allowed that the navigation laws might lead to commercial inconvenience; while a third pointed out the best way of negotiating with foreign Powers; and now that the principle of the Bill had been affirmed, some of these admissions were found embodied in the Amendment. He, therefore, would not follow the example of the noble Lord who had just preceded him, by making a speech as applicable to the second reading of the Bill as to its present stage, and he would address himself as much as possible to the Amendment of the noble Lord (Lord Stanley). With respect to the colonial part of the case, he did not agree with the noble Lord opposite in thinking that its consideration ought to be postponed to a later period of the evening; he would, however, allude to it, if only for the purpose of saying that, in his opinion, a most ample and complete answer had been given by the noble Earl behind him (Earl Grey), confirmed by the noble Lord on the cross benches (Lord Wharncliffe), and which had not been even attempted to be shaken by the noble Earl who last addressed their Lordships. He would come at once to the Amendment proposed by the noble Lord with respect to European produce and European trade. If he understood that portion of the Amendment correctly, it was to the effect, that with respect to those nations which were willing to enter into negotiations upon the principle of perfect reciprocity, it was proposed that those articles of European produce now enumerated should be placed upon the same footing as European articles, the produce of Europe, which were not now enumerated. The Amendment proposed by the noble Lord on the cross benches (Lord Wharncliffe), with respect to reciprocity, was, in his opinion, inferior to the plan proposed by the Government; but, at the same time, he thought it the best Amendment, and the best suggestion, with respect to reci-

procity, which had yet been brought forward, either in their Lordships' or in the other House, the chief merit of it being, in his eyes, the discretion which it gave to the Government of the day. With the greatest respect for the noble Lord opposite (Lord Stanley), it appeared to him that the Amendment which he had laid upon the table of the House was not only inferior to that of the noble Lord, but it was also inferior to every abortive Amendment which had been produced in the other House, and inferior even to those abortive Amendments which they had endeavoured to frame in the Board of Trade, which he believed were complete failures. The noble Lord opposite, in opening his speech, said nothing at all with respect to the existence of the treaties between this and other countries. He did not want to go into any tiresome disquisition upon treaties. He would not refer to those nonterminal old treaties with Denmark and Sweden, in which the Danish claims were as clearly put as they could possibly be, and in which, with respect to the Swedish claims, the Government had urged upon the Swedish Government the necessity of adopting the construction most favourable to the arguments of the noble Lord. With regard to Holland, that country had made some claims on account of "the most favoured nation clause," with respect to some advantages which had been granted to Oldenburg and Mecklenburg. Those claims had been admitted, and he could not see how they could possibly say upon the same reasoning that they would not give them any further advantages which they might claim on the ground of "the favoured nation clause." If they were to say to Holland, as a ground of their refusal, that they had extensive colonies, and that Holland had none to admit this country to the benefit of, the answer of Holland would be, that that might be quite true, but that Oldenburgh and Mecklenburgh had none, and that by their treaties the colonies were excluded. Again, he did not forget that the arrangement to which he was referring might be terminated on giving twelve months' notice; but what would be the effect of giving such a notice? It would be this, that England would thereby lose all the security which she possessed against the imposition of differential duties by Holland. If such a course were taken by England, they might be assured that they would obtain no reciprocity from Holland. Then, as to Belgium—Belgium had no navigation laws, she imposed no restrictions, but preferred to lay on a differential duty of 10 per cent upon the ships of this country. This country retaliated upon this restriction, and imposed a differential duty of 20 per cent upon certain articles coming in Belgian ships. He would ask whether, on a country like that, whose competition they did not fear, whether it was fair or expedient for them to retaliate for those disadvantages to which they subjected this country, and that they should add to it the whole weight of the restriction of the navigation laws, and which they proposed to take from other countries? The next country to which he would allude was France, which also had "a most favoured nation" clause. It was difficult to say to what extent that treaty went. The words of the treaty were—"In the course of navigation between any ports of those countries, no third country shall have any advantage to their shipping which is not equally enjoyed by French and English shipping." He believed that if he were a lawyer he could make out a very strong argument to show that those treaties precluded the possibility of England making any such relaxations of her navigation laws as was involved in the Amendment by means of which the noble Lord opposite sought to establish the principle of reciprocity. It was impossible, as he conceived, that any foreign ships should enjoy in the ports, say of Calais or of Dover, the least privilege which was not open to French and English ships. Now, there were certain enumerated articles which it would be allowable to bring from France in Swedish vessels, if Sweden gave all the advantages to this country which were required of her; and there, he would submit, was a difficulty in the way of the noble Lord's plan which he had not yet made any attempt to surmount. The next country to which he thought it necessary to make any reference was Spain. To that country it was well known that we were bound by certain old treaties, which were not permanent—they were treaties which he was willing to own had been damaged considerably by the construction put upon them during the late Administration by the noble Earl opposite (Earl of Aberdeen), the then Secretary of State for Foreign Affairs. Whether that construction were correct or not, he would not then stay to inquire. It could not, however, be denied, that if that construc-

tion was sanctioned by the Government of this country, it was only admitted under protest by Spain. He thought that the construction then put upon those treaties went as far as it could with propriety be carried. He had some authority for saying so, for he found that the Colleague of the noble Earl actually deplored that any such construction should have been put upon them. He thought, considering that the whole of the party now in office protested against that construction, that it was obviously not desirable to raise any discussion upon that point at present. He was not quite sure even that the construction then put would apply to the present case. He might, however, be allowed to say, that the reasons assigned by the noble Earl to the Spanish Ambassador were reasons with which France and England, at all events, had nothing to do; but he did think it not right that this country should commit itself to any such constructions, for he feared that the effect of such a course would be to involve us in an endless amount of special pleading and mere verbal quibbling, which could never at any time prove satisfactory to either party. Such considerations appeared to him quite conclusive against the plan of reciprocity. To this he might add that the effect of almost any plan of reciprocity would be to compel other countries to enact laws in an indefinite degree hostile to the commerce of England. As to the long-voyage clause, it was proposed, he believed, to allow that part of the measure to stand as it was—namely, that the most bulky and valuable articles would be preserved to British vessels. But he must say, that he did not see how European nations could be induced to give to this country all the privileges which they sought, if they continued to take from them such an important article as the carrying trade between Asia, Africa, and America, and the produce of those three quarters of the globe. The effect of such a system of policy as at present pursued was only to give increased importance and strength to other countries of Europe, by establishing the warehousing system at Antwerp and other ports on the Continent, which were thereby made as it were the emporium for the produce of the greater portion of the world. With regard to all the articles at present enumerated, they retained all the inconveniences which had already been shown to exist, and actually gave a premium to the foreign manufacturer to work up the raw material and send it to this country in a manufactured state. The case then came simply to the one question of competition. But he hoped that there was no one acquainted with the resources of England who could for a moment doubt her ability to compete with any country in the long-voyage trade; and if she could compete, there was no argument at all remaining against that part of the measure which had reference to the long-voyage trade. There was one argument which he had heard against the Bill, not to-night, perhaps, but it had been used, to this effect, that Parliament ought to be extremely cautious how they meddled with a trade in which was invested from 60,000,000*l.* to 70,000,000*l.* of capital, and which gave employment to upwards of 200,000 seamen. With respect to this argument, althought it might be an appeal to their Lordships' feelings, still, as an argument, it was one which told exactly the other way from that in which it was intended; for what country could they find which possessed a surplus capital of 70,000,000*l.* or 80,000,000*l.* ready to bring into competition with capital so employed in this country, particularly when they were told, by a most stringent protectionist witness who was examined before their Lordships, that, notwithstanding the increase of shipping in this country, the capital had been diminished by one-half, and that the remaining half paid no interest whatever? He did not lay much stress upon such a statement as that, as it seemed so entirely contrary to every principle which generally actuated mankind. With respect to seamen—those 200,000, which upon both sides of the House were considered to be the best in the world—where would they be able to get 200,000 seamen to supplant their places? Was it from Denmark, which was now advertising for seamen? Was it from Norway, where one-tenth of the population were actually employed in maritime engagements? Or from the United States, where three-fourths of the seamen who were employed were British seamen? The noble Lord opposite (Lord Wharncliffe), in the course of his speech, said, with respect to the statistics which had been referred to, that "they had been blown out of water." If that were so, they were certainly "blown out" by the noble Lord himself in the very able speech he had made on a former stage of this Bill. He regretted that he had not the good fortune to hear the speech of the noble Lord himself: he was told, however, that it was a very able one, and that it had a great effect upon the opinion of

their Lordships. From what he could gather of the purport of the speech, it appeared to be, in the first place, an attack upon that much-vexed question of protected and unprotected trade. He (Earl Granville) endeavoured, on a previous occasion, to answer that attack, because it was not a new question — it had been constantly brought forward, and as constantly answered. He had striven to show that the more figures were knocked about, from one side to the other, the more favourable they appeared to show the cause, and it would be found that when they took out of the account the tonnage of the steam vessels, the result would entirely bear out the arguments which had been founded upon those figures. About twenty-five years since prophecies were freely made of the utter extinction of the trade of this country unless reciprocity treaties were fully carried out. The result, however, proved exactly the reverse. Notwithstanding all the abuse which was showered upon those figures whenever they told against noble Lords opposite, still they were very ready to make use of them when they appeared to be on their own side. The noble Lord opposite had referred to some returns showing the amount of shipping entered, not into the United States, but into Liverpool, and endeavoured to found an argument upon that in support of his case. That argument, however, was speedily broken down by the noble Earl near him (Earl Grey), who followed the different vessels to their respective countries, and showed in which cases they possessed reciprocity treaties, and in which they did not. Allusion had been made to the case of Mr. Porter, whose name had, he must say, been brought forward somewhat too prominently. The noble Lord opposite had said a great deal about that gentleman's fencing in Committee with respect to the tonnage which had been entered into the ports of the united kingdom. He had looked into the evidence given before that Committee, and he confessed that he could not see anything like "fencing" in the answers which he gave to the questions put to him by the Committee. Mr. Porter said that he could not give an accurate answer as to the amount of American tonnage, as he had no authentic information upon that point before him at the time. He (Earl Granville) was certainly struck by that fact; and upon inquiry he found, what certainly was not very creditable to the Board of Trade, that they had no official account of the American tonnage. He thought that would fully bear out the statement of Mr. Porter, that he had no authentic information on the subject. He next came to a question in which he feared he had not quite so clear a case to deal with; but still he thought that he would be able to place the question in a very different position from that in which the noble Lord opposite had presented it to their Lordships. It appeared that a letter had been written by Mr. Cardwell to Mr. Porter, requesting immediate information respecting the amount of lake tonnage employed in the trade with the United States. At the time that letter arrived there was a great pressure of business of that particular department of the Board of Trade with which he was connected, and, remembering the amount of the tonnage generally employed in the trade with America, he wrote to Mr. Cardwell accordingly. He regretted that Mr. Porter did not, in a matter of so much importance, refer to his tables in order to be perfectly accurate. That gentleman, however, had since had a little more leisure, and upon reference to the returns in the office, had found that he had committed a mistake, and of his own accord, without hearing again from Mr. Cardwell, he wrote to him to correct the error into which he had fallen; but this was a circumstance which those who communicated the fact of the mistake to the noble Lord, had neglected to make him acquainted with. Reference had been made by the noble Lord to the sense of the country, which he stated to be against this measure. Her Majesty's Ministers had been accused of arrogance for refusing to receive the petitions of the agricultural interest as of any weight in respect to this measure. He denied that such was the case. No noble Lord on that side of the House had stated that the agricultural interest had not a perfect right to petition that House, nor that their petitions were not entitled to be received with the utmost respect. What was said was, that agricultural pursuits were not very likely to make them acquainted with the operation of the navigation laws, or what the effect of their repeal would be. Upon turning to some of the arguments used by some gentlemen at public meetings of the agricultural body, held for the purpose of influencing them to sign petitions, he found that much rested fairly upon the ignorance of the farmers. They were told that one of the effects of the repeal of the navigation laws would be to lower freights very much: the only remnant of protection was now to be found in

the high rate of freights upon the shipment of foreign corn; therefore, by lowering the rate of freights, they would diminish their protection by so much. Now, what were the real facts of the case? Corn could be brought from America in American as well as in British ships. Did not that tend to lower freights? Corn could also be brought from the Baltic in Baltic ships. Did not that also tend to lower freights? Meal, cattle, and flour could also be imported into this country from all the ports on the Continent, and by the vessels of any country. Did not that again tend to lower the price of freights? With regard to guano, an article so valuable to the agricultural body, that came almost entirely from Chili, Peru, and the island of Ichabo, none of which places rejoiced in the possession of a very considerable marine. What was the consequence? The monopoly was strictly confined to the British shipowner, who could charge the British farmer whatever price he pleased for freight. The noble Lord also referred to a remark which had fallen from him on a former occasion, to the effect that neither the naval officer nor the merchants of this country knew fully the bearings of the navigation laws upon the trade or interest of this country. Upon the occasion when he alluded to naval officers, he only meant to have said that he could not go to the full length of Sir W. Stirling, who said that if the commercial marine were to be entirely destroyed, it would be no blow to the Navy of this country. With regard to the merchants, what he said was, that Governments had frequently more foresight in these matters than the merchants themselves, and that in late commercial events almost all the great interests of the country had shown superior intelligence to that displayed by the particular interests concerned. The case of the East India Company was one in point. When it was intended to throw open the trade of the East Indies, they were told that they were going to destroy altogether the trade of that part of the empire; whereas the consequence of the repeal of those restrictions had been to increase six or sevenfold the amount of the trade with the East Indies. A noble Lord had said, in the course of this debate, that if relaxations were to be made, they should be made gradually, and advised that they should not give up the whole of the navigation laws at once, but proceed step by step, or point by point. He (Earl Granville) put it to their Lordships whether it would be wiser to go on step by step, and point by point, leaving their merchants, their colonies, the foreign growers, and their shipowners in the condition of persons who were aware that some changes were coming, but who knew not what those changes would be, or whether it would not be wiser to endeavour in this instance, with regard to all those interests, to follow the example of Pitt when dealing with America, and at once propose a liberal, comprehensive, and, however, little weight might be attached to the term—a statesmanlike measure—by which they would put the question at once upon a sure foundation, one not likely to be misunderstood, and which would give to every person interested in it a perfect understanding of what our commercial relations with other countries really were and would remain, without fear of further alteration or change.

LORD COLCHESTER was understood to say that upon reference to the returns which he then held in his hand, showing the comparative quantities of goods carried between Liverpool and the United States, it would be found that the United States vessels carried double the quantity of goods both ways that the vessels of this country did. Of American ships 15,000 tons left Liverpool in ballast, and of English ships 13,000 tons. In his opinion the measure could confer no possible advantage on the colonies; but what cause of complaint had they to call for it. The advantages and disadvantages derived by the colonies from the navigation laws were the same as those which were experienced by the mother country. The colonies had, therefore, no cause for complaint, because the navigation laws had been maintained for the safety and strength of the empire, and for the protection of our shipping and sailors. But for our naval supremacy, for which we were indebted to our navigation laws, our colonies would fall; and our naval position it was also which authorised the people of this country to take a leading part in the affairs of the world.

The MARQUESS of CLANRICARDE was anxious not to detain their Lordships for more than a few minutes, but he could not avoid expressing his strong conviction that both the Amendment and the speeches made in support of it told in favour of rather than against the measure itself. It was admitted by the Amendment, and acknowledged by the noble Lord who moved it, that there might be reasons why there should be a still further relaxation of the navigation laws. Of course he had no

wish to misinterpret any noble Lord; but it was certain to his mind, and that of many noble Lords around him, that that was the only construction they could put upon the Amendment; but of the noble Lords who followed that noble Lord, and who now proposed to vote with him, one asserted that any modification of those laws was wholly unnecessary, and another went so far as to say that any change in the present system must be attended with disastrous results. Now, would not the change proposed by the Amendment of the noble Lord be better effected by the plan of the Government? He confessed he thought it would; and he gathered from that circumstance the conclusion that many noble Lords who supported the Amendment were not so much desirous of any change, as adopting the views it enunciated, because it came from the noble proposer, and not from the Government. The noble Lord who had just sat down, for instance, had attempted, by reference to the Liverpool returns, to argue against any alteration in the present law, and had arrived at the startling conclusion that England could not compete with America, because those returns showed that the quantity of merchandise carried by the United States vessels both ways was more than double that carried by the shipping of this country. Now, if that were the case under the existing system, how, in the name of common sense, could they reconcile it with the termination of the speech the noble Lord made at a former stage of the Bill, when he said, protection kept up the interest of the shipowner? and if we were so badly off under the present system, why should noble Lords be so anxious for the preservation of a state of things which had been productive of results which they considered so unsatisfactory? Did not the result of these returns prove, beyond a doubt, that protection was not beneficial to the trade of the shipowner, though it might be vexatious to the commerce of the world? It was to be regretted that the noble Lord whose Amendment was under consideration had not explained what course he would advise to be adopted with respect to foreign treaties; and upon that subject he should very much like to hear the opinion of the noble Earl over the way, who had been so long at the head of the Foreign Office. He (the Marquess of Clanricarde) was inclined to think that if the noble Lord's Amendment were adopted, in the shape in which he had proposed it, the grossest infraction of treaties with foreign countries would be committed of which there was any record in history. It would be no satisfactory reply to say that the treaties so infringed upon were not productive of advantage to England, and that the countries which were the contracting parties with us were not powerful nations; for surely if there were an infraction of a solemn compact, such infraction would involve as great an injury to the honour of England as if the contracting party were the United States, and that the trade in question was the most important that had ever crossed the Atlantic. Several noble Lords, who were prepared to vote against the present Bill in all its stages, had been very eloquent in expatiating on the advantages of an international system based on the principle of a reciprocity of benefits; but how was such a system to be obtained? How was England to induce other countries to adopt such a system? Was it by retaining commercial restrictions in unmodified severity? Most assuredly not. The better course by far would be for England herself to adopt that course which she believed to be the most liberal and enlightened, and thus by her good example, as well as by good advice, to supply to other nations an incentive to pursue a course equally judicious. With regard to the colonial part of the question, it would seem that the Opposition were quite ready to make concessions to Canada. But it was idle to talk of making a concession merely in favour of Canada, or any one colony; for if they granted it to one, on what consideration of justice or fair play could they deny it to all? If they made a concession to Canada, on what consideration of justice or fair play could the Colonial Minister refuse to extend the same concession to Trinidad, Ceylon, or even Australia? The concession to one dependency of a favour they would not consent to grant to another, would be nothing more nor less than a confession of their readiness to yield to considerations of expediency that which they were not prepared to grant to considerations of equity and justice. No; the liberal-minded and statesmanlike course would be at once to introduce a measure which would apply to the whole system, and deal with the question in all its bearings. It had been said that the sense of the public was against this measure—that the great majority of the people were hostile to it; but the fact was, that the question was one about which the great majority of the people had thought very little at all. The noble Lords whose migration

from the west to the east to get up a great meeting in the city of London on the navigation laws had been so much talked of, would have gathered quite as many around them, and created quite as great a sensation, if they had taken precisely the opposite view of the question. The Bill had come up from the Commons, bearing the sanction of a large majority of the Members who represented the seaports. All except two had voted in favour of it; and therefore it was not fair, or right, or wise—and scarcely Parliamentary—to say that a Bill, so circumstanced, did not come to their Lordships with strong recommendations. No Bill ever came before the House recommended by a greater weight of authority than the Bill now on their Lordships' table. If they had not the numbers of the country with them—and he dared say they had—the weight of the intelligence of the country was with them. The Motion made by the noble Lord (Lord Stanley) was a move in a wrong direction—it was one tending to re-establish a system of restriction. They were told that British seamen and British shipbuilders could not compete with the seamen and shipbuilders of foreign countries. He, for one, could never allow that British seamen could not and would not be able to compete with the seamen of the rest of the world. Did the noble Earl forget the immense number of our seamen who were in the American navy? What fed that navy? It was our system of apprenticeship; for our seamen found that under the present system of restriction the British shipowner was unable to pay them properly, and therefore they sought refuge in American ships, where owners could afford to employ ablebodied seamen and to give them good wages. Parliament ought, therefore, to pursue a different policy in future. They ought to leave the trade of the world entirely open, and leave it for the enterprise and energy of their own shipowners and seamen to compete with the foreigner. Remove these restrictions, which, it was admitted, ought to some extent to be further limited, and then they would hear no more of the British seaman being inferior to the foreigner, while they would have the gratification of seeing the shipping trade flourish, commerce extended and increased, if not universal activity in our ports.

LORD BROUGHAM was unwilling to occupy much of their Lordships' time and attention at this period of the discusssion; but having in the discharge of his duty felt it right to oppose this Bill, on the second reading, on the same ground as his noble Friend near him, he should not feel he was discharging his duty if he did not support the Amendment of his noble Friend, and state his reasons for doing so. He would not say one word of introduction, nor would he advert to what had passed at a former period of the debate, when his noble Friend on the cross benches (the Earl of Harrowby) addressed himself so ably to the question of the second reading; and his noble and gallant Friend (Lord Colchester) upon the same occasion evinced such very extraordinary clearness and perspicacity, as well as such great practical knowledge of the subject in hand; but he would endeavour to confine himself strictly to what had taken place to-night. Passing over those speeches, he was somewhat startled at hearing the noble Earl opposite (the Earl of Granville) complaining in the outset of his address that the speech of his noble Friend then sitting on the cross benches (Earl of Harrowby) ought to have been advanced on the question for the second reading, and he (Lord Granville) should therefore address himself only to the Amendment before the House. But what was his (Lord Brougham's) astonishment at finding the noble Earl, after deprecating speeches going to the principle of the Bill, which ought to have been made on the second reading, as now out of season, addressing himself—he would not say how long, for when his noble Friend spoke he did not feel the passage of time; but though the individual listener did not feel the march of time in his own person, he could always calculate it through the medium of machinery; and the clock showed him that his noble Friend had occupied half an hour — not on the Amendment, for upon that he scarcely said one word, but on the topics and the history of the last night's debate on this measure. But the noble Lord still further surprised him. Not content with having a speech from his noble Friend (the Earl of Harrowby) to-night, to which he could reply, he must address himself to another speech which he said he had not the opportunity of hearing, but of course had referred to the report of it. But "oh," said his noble Friend, "that speech was only partially reported;" and yet to this ill-reported speech—this nothing-at-all reported speech—so very little reported that some shipowners required it to be corrected—did the noble Earl opposite address himself. Although it was not reported in-

telligibly, nor heard by the noble Earl at all, nevertheless the noble Earl felt no difficulty in elaborately answering it; and in the same manner did the noble Earl proceed throughout. His reference to Mr. Porter was another instance of his skill in keeping clear of the subject matter in hand, for he (Lord Brougham) had not heard one word about Mr. Porter to-night. True, they heard a good deal of Mr. Porter the last time this measure was debated; but then his defence was undertaken by his noble Friend on the cross benches. To-night the defence was taken up again by the noble Earl opposite; but he was very much afraid Mr. Porter himself would not be much satisfied with this second defence, if that could be called a defence which represented him to be aware of an error that could be possibly palliated though not at all defended. Now, what was the offence Mr. Porter committed? Why, he produced a return, and said, "This will prove so and so;" and in answer to Mr. Goulburn, as to whether a return relating to American shipping, of 800,000 tons, included the steam tonnage, he said positively, and in the most peremptory and decided terms, that they were not included at all. "You may depend upon it," he said, "I am right." He did not venture upon declaring his own absolute infallibility, but "generally," said he, "I am right, and upon this particular occasion you may depend upon it that I am;" and yet in one short week afterwards it turned out that he was all wrong. Still generally he was infallible in his own opinion, but the exception appeared to be the rule; and on this occasion he was more fallible than on any other, always excepting the never-to-be-forgotten instance of the tonnage of a ship having been multiplied by the repeated voyages, so that an actual tonnage of 7,001 had been multiplied into 215,000. With reference to the petition which had been presented in favour of the measure from Liverpool, it bore very few of the signatures of the large and influential merchants; while the one against it contained the names, not of the whole, perhaps, but certainly of very nearly the whole. They ought, however, to look at the petitions collectively, and then they would see that while the petitions which had been presented against it were signed by 1,497 persons, those which had been presented in favour of it had only 142 signatures. It was very easy to get up a petition in Liverpool in a quiet manner; and the simple fact of its having remained a couple of days at the Exchange, and only obtained so few signatures in that space of time, established beyond doubt that the favourable petition in question was one of this worthless character. The noble Lord also referred to some resolutions which had been passed at a meeting at Liverpool of the persons who had signed one of the petitions in favour of this Bill, and said that that meeting was not a public one, and he supposed the reason to have been that they did not like to expose themselves to the risk of being defeated by an enormous majority. But one of the resolutions ran thus:—"Having heard that there is a Bill on the navigation laws in the House of Lords," as though it was not known throughout the country—"and that its object is a modification of the navigation laws;" that was all; they gave the Government no credit for it as a measure of free trade—as the removal of restrictions, but regarded it as a modification only; "resolved, that we receive this with great satisfaction, because it is only a precursor to other measures to carry away all restrictions." It was then to be but a precursor, and not a final measure; and yet some noble Lords voted for the Bill, saying, "Here is another attack on the trade of the country, on its most vital interests, but, as it must be the last, I will vote for it to have done with the whole subject." But what if it were the worst as well as the last? But then it was not at all regarded by its supporters as the last. The petition he referred to regarded this measure as an instalment only of what the petitioners had a right to claim. They desired the absolute removal of all restrictions whatever. His late friend, Lord Melbourne, like all able and intelligent men, so far from regarding it in that light, having applied all his sagacious intellect and quicksightedness to such subjects, said, that any man who talked of the absolute removal of all restrictions was fitter for Bedlam than for an assembly of sane men. But they were not confined to the authority of Liverpool against this Bill. They had Sunderland and various other towns opposing it in the strongest manner, and Hull remarkably so; for whilst a right hon. and much distinguished Friend of his in another place asked how could Liverpool be quoted as against the Bill when the two Members for that borough voted for it, he found that the same argument was not used by the friends of the measure as regarded Hull; for although the hon. Member for that borough held office during the pleasure of the Crown under the Go-

vernment, yet, if he (Lord Brougham) were not greatly misinformed, that hon. Gentleman held it on the express condition that he was to vote on the navigation laws as he chose, and that he carried that choice into effect by voting against the Government and against their Bill. So that, as to Liverpool, the Members and the town were acting in different ways; but in Hull the Members and the town were acting in the same way. And if they were to go into the City they would find there was hardly an exception to the unanimity against this Bill. The present Lord Mayor (Sir James Duke) was as strongly attached to the Ministry as any man could be; and how had he voted upon this question? Why, he had not voted at all. His noble Friend the noble Marquess who last spoke, had called upon their Lordships to pass this Bill, partly out of respect to the House of Commons, who had sent it up to their Lordships with a great majority. His noble Friend had not said "an increasing majority," and he ought to have said "a diminishing majority;" for last year the majority was 117. After a year's reflection, in spite of all canvassing of the Government—in spite of all the extraordinary appeals made to the people in both Houses of Parliament to vote on this occasion on the most unintelligible grounds, that majority had dwindled down from 117 to 54—less than one-half—and the result was, that the two majorities, taken together, of this year on the two celebrated divisions, did not quite make up the majority of last year on one division. But he came now to the question before them, and he would begin by placing it on what he thought was the real basis, and stating the real matter at issue between the two sides, or rather, as they were in a somewhat triangular position, the three sides of the House. There was the side of the Government, the Opposition side, and the side of his noble Friend (Lord Wharncliffe) on the cross benches. He should say that his noble Friend's position was not the most felicitous on this occasion, and there was no doubt he had not succeeded in persuading him (Lord Brougham) that there was any great consistency between his vote against the Motion of his noble Friend, and the Amendment he himself was going to propose. How it was possible to vote against the one and for the other, his noble Friend had not explained to satisfy him. He denied that the question was complex, or that there was any difficulty in understanding his noble Friend's Motion; but he thought that if he took an instance, and showed their Lordships how the two Bills would operate upon that example, he should more satisfactorily prove what each was, and in what respect they differed from each other, than by giving any explanation of them in detail. The noble Marquess opposite said, "Throw everything open except the coasting trade, and if you find any nation hampers your commerce unfairly, or exposes it to oppression, give the Crown afterwards the power to reimpose restrictions." The exception was conditional upon the misdemeanor of foreign nations. Now, his noble Friend, by his Amendment, said, "Do not begin with repeal; keep up the system under which your commerce has flourished and your Navy been created; do not repeal your restrictions by a sweeping measure; but if any nation will, of itself, give, or you by treaty can obtain, an equivalent, then arm the Crown with the power to give up, *pro tanto*, your restrictions." It was said that the *modus operandi* was the only difference between the two. It might be the only difference; but the effects that resulted from the two were prodigiously different. Take the case of America according to the two *modi operandi;* and their Lordships would soon perceive the difference. The Government said, "We have repealed the colonial monopoly," which he (Lord Brougham) looked upon as far the most important part of the navigation restrictions. America, then, was at once let into the whole of our colonial trade, and to the enjoyment of all the advantages possessed by our own shipping in the carrying trade between this country and our colonies. Oh! but there was a retaliatory clause; and it was said, "Excellent America—our dear kinsmen, separated from us by the chances of war, but still our friends—we do not ask you to abandon repudiation and pay the debts you owe, but only to give us reciprocity; and if you will not give us reciprocity, we shall be forced to stop the repeal of the navigation laws and shut you out of the colonial trade." "Oh, no," reply the American lawyers; "you are authorised to do no such thing; the Act gives you no such power; it only gives you power to shut us out of your colonial trade, if we oppress your trade by not putting it upon the same footing as that of other nations. What is it you want?" "Why, reciprocity." "We cannot give you reciprocity, though no

fault of ours, but because we have no colonies. Reciprocity should be this—if you will give us access to your colonies, we will give you access to our colonies, and we will both be upon the same footing." But the Americans had no colonies. Reciprocity, therefore, was out of the question; and, consequently, we were about doing an act which must of necessity give the Americans the full enjoyment of our colonial trade, without the possibility of their giving us anything in return that looked like reciprocity; and not only must our colonial trade be opened to America without the possibility of reciprocity, but it must be opened also to Belgium and Prussia. Belgium and Prussia had no colonies, but they had ships; and he had shown upon a former occasion, the wages of the Belgian seaman were half those of the British seaman, his food cost only half as much, and the pay of the Belgian captain was less than half that of the British captain; and the Prussians could both build and sail their vessels more cheaply than ourselves. But under the Amendment of his noble Friend nothing of this sort could happen; for it said, "Keep your Navigation Act; keep your restrictions; maintain your colonial monopoly; and open it only when America, Belgium, or Prussia make it worth your while by giving you an equivalent." This was the difference between the two measures—the difference, certainly, consisted in the *modus operandi;* but it led to immensely different results. To a certain degree the same observations applied to his noble Friend's (Lord Wharncliffe's) Amendment, but it was narrower and inferior to that of his noble Friend near him (Lord Stanley). He entreated their Lordships to consider the extent of the colonial trade. Excluding India, it occupied 500 vessels and 250,000 tons; and including India, there were engaged in it 650 vessels of 500 tons each. The returns showed that the trade between Liverpool and the United States, which was unrestricted, employed more than double the amount of American over British tonnage. Did not that show what a prodigious mass of interest would be endangered by the ill-advised and ill-digested measure of the Government? Then, the noble Earl who spoke from the other side expressed his belief that English seamen would be able to contend with the seamen of any other nation. Doubtless they would, as far as gallantry, seamanship, and even sobriety, were concerned; and the circumstance which had been referred to of many thousand British seamen being engaged in the American mercantile marine, established the point. But, if a war should break out, of what avail would be 50,000 British seamen in the American marine? In order to be able to man our fleet, we must have our seamen in our own mercantile marine. Looking at all the circumstances of the case, it was impossible to view without extreme astonishment the extraordinary efforts which the Government made to pass this Bill. Exertions of an unprecedented description had been used to secure a majority. If the fate of the empire depended on the success of the measure—if the sum of affairs were involved in it—if the glorious fortunes of the Navy rested upon it—if the stability of the constitution, the security of the State, and the prosperity of England were dependent on the passing of the Bill, greater anxiety could not be manifested for the attainment of that object. Votes had been sought for in all directions. He had just seen a right rev. Prelate (Bishop Wilberforce), who had not heard a word of the debate, hurry into the House to give his vote, and he hoped it would be on his (Lord Brougham's) side, because the extension of the African slave trade must result from this measure. Far and near, east, west, north, and south, the summons had gone, and men had come. No doubt this proved the strong sensation the Bill had created. Some who had been summoned represented the Sovereign abroad, and therefore supposed they represented the country abroad, the fact being that the country at home was against them. There must be some reason for all this. Europe was not in such a state as to justify these recalls. From the east to the west it was in a state of agitation, shaken to its foundations by revolution. The position of France was most critical and perilous, and no man could tell any one hour what state France would be in the next. The same might be said of Frankfort, and almost of Vienna. The country was most ably represented in those quarters, and he felt the importance of having its representatives in those quarters during the present crisis of European affairs. He was, therefore, the more struck with astonishment when he found that upon these removals depended not the fate of the empire, but merely the fate of the Government. But, after all, he could not help thinking that this measure for the repeal of the na-

vigation laws was not of that urgent character and pressing description which had been ascribed to it. Under this system, established two hundred years ago, by a man who carried the glory of the British arms as far as he carried the crimes of his party, our commerce and marine had flourished—he meant Oliver Cromwell. The wisdom of his policy was speedily recognised. Its beneficial effects were immediately felt. The Navy soon rose into a flourishing state, and one of the first acts of the restored Government of Charles was to adopt the Navigation Laws. Their policy had ever since been rigidly adhered to in principle by all succeeding statesmen in all succeeding ages. He utterly denied the doctrine that the example of Mr. Pitt, in regard to the United States of America, could be cited as having made an inroad upon the navigation system. To apply and adopt was not to destroy, or even to evade. The American colonies became an independent State; and Mr. Pitt, finding they had become independent, applied the Navigation Act to them, putting them upon the footing of other independent Powers with regard to our trade; but the Navigation Act itself was not altered, and it would have been contrary to its principles to have treated the United States in any other way than as an independent Power. We had obtained, by means of this navigation system, a mercantile marine which was unexampled in history, and a Royal Navy the glories of which it were superfluous and unnecessary to extol. But was it not a very obvious remark—and with that he would close the few things he had to say—that nobody complained of our Navy being deficient, nobody affected to deny its superiority; nobody pretended to deny that the navigation system had produced these effects. It was allowed to have worked well—perfectly well—as well as any man could have expected; nay, better than any man could have hoped; and was it not the language of common prudence and foresight which he spoke when he asked them why they changed that which had worked so well—that of whose results no one complained? Did not that throw the burden of the proof upon those who proposed the change? Oh, but said the noble Marquess, I am a man against all restrictions, of which this is one, and therefore the proof is thrown upon you. Now the noble Marquess was not so little experienced in political life but that he knew how the trick of debate was apt to conceal the real question, and he hoped to convince him that it was kept concealed at present. It was quite true, as a matter of political economy, as a matter of wealth, as a question affecting the accumulation of national capital, it was better that trade should be as unencumbered as possible. But that was not the question. The question was not one as to wealth or as to commerce, but as to navigation. It was said that by this measure the effect would be, we should enter into competition with foreign seamen, and freight being lowered, the articles of commerce would be provided at a cheaper rate to the consumers, who would profit to the gain of a farthing per pound perhaps upon the price of sugar, as much upon tea, and something like it upon coffee—a gain so small that it was not possible to calculate how little it could lessen any one's yearly expenses. But, suppose the saving ever so great, and commerce ever so much increased, it would be done in foreign ships, and our ships and seamen be displaced. So, supposing that the effect on commerce of the repeal of these laws would be, not to lessen it, but that the exports the year after amounted to as much as they had been for twenty years before, still Adam Smith was almost as good a politician as his noble Friend opposite (the Marquess of Lansdowne), as good a free-trader as the noble Marquess, one of the men most eminent for sagacity and learning—Adam Smith was in favour of the navigation laws; and he said he was so because defence was better than wealth; and he made that an exception to his system, which he (Lord Brougham), had the honour, five-and-forty years ago, of proving was no exception to his system at all. The question was a question not of commerce but of navigation; they would enter into competition with Prussia and America, they would not be able to man the Navy, and British navigation was gone. On all occasions, where the matter was to the point, when the question related merely to trade, to wealth, he was always opposed to needless restrictions; but where that was not the question he was with Dr. Smith, with Mr. Huskisson, with Washington, and Maddison, and refused to promote the interests of commerce at the expense of national safety. But, said the Government, and those who supported them, "how can you be guilty of so much cruelty and oppression to your traders?" He asked them, in reply, how

could they be guilty of so much cruelty and oppression to the foreign traders of this country as to levy 23,000,000*l.* on the Customs, or to the home traders as to raise 15,000,000*l.* on the Excise. These were grievous restrictions on national commerce and national industry. He (Lord Brougham) voted for these imposts; was he then not a free-trader? Yes, but there was something more important than wealth, than commerce, than the home trade itself, which might be bought too dear—that something was the defence of the country. He voted for the Customs and the Excise, although they almost cut up our trade foreign and domestic; he said there was a like necessity of consulting our safety; he said defence was better than wealth; therefore he voted for taxes and duties most painful to all trade. So on the present occasion, therefore, he voted for the Amendment, and in favour of the navigation laws.

Earl FITZWILLIAM said, the noble and learned Lord who had just sat down had travelled over every portion of the globe, but had devoted very little attention to the real question at issue. The noble and learned Lord had said that the shipping interest of the country had not called for these alterations; but there were other interests which ought to be consulted on this question. Did not foreign countries call upon their Lordships to modify the present system of navigation? Undoubtedly they did, and unless they immediately made such modification they would be in danger of losing the trade which we carried on with those countries. The noble and learned Lord had spoken of the wisdom of our ancestors, as having sanctioned these navigation laws; but he (Earl Fitzwilliam) did not entertain the same opinion as the noble and learned Lord as to the wisdom of our ancestors with respect to the present pernicious navigation laws. The naval power of this country was pre-eminent before any navigation law was passed; but forty years after the passing of the first Navigation Act, the Dutch were beating us in all quarters of the world. He was afraid that they were disposed to ascribe too much to the wisdom of their ancestors and themselves, and too little to the power of the Creator. They, no doubt, owed much of their maritime superiority to the arms of the sea, the rivers, and estuaries with which this island was intersected; and he asked if it was not possible, therefore, that more ought to be ascribed to the physical conformation of the island than to the mere devices of men? He wished them to lift their minds higher than they were wont when considering this question; he wished them to consider that they owed more to the bounty of the Creator than to the wisdom of man. On this point he would remind them of the naval superiority of Denmark, which did not depend on navigation laws, but on the favourable position which the country occupied. He believed that the naval power of England was not due to the navigation laws, and that they ascribed more to that cause than circumstances at all warranted. He did not deny but that temporarily they might at first have effected some of the objects contemplated by them; but certainly the permanent effects were not such as had been contended for by the advocates of the present system. Believing, then, that they gave no additional security for maintaining our naval supremacy, he would deem it his duty to vote for the Bill as it now lay on their Lordships' table.

The Earl of ELLENBOROUGH said, he would not have addressed the House unless to place, he hoped clearly, before their Lordships the exact position in which the House stood, not only in respect to the Amendment of the noble Lord near him (Lord Stanley); but in respect to the three several propositions made by the Government, by the noble Lord near him, and by the noble Lord on the cross benches (Lord Wharncliffe). As the House had sanctioned the second reading of the Bill, it was to be concluded that their Lordships were of opinion that alterations ought to take place in the navigation laws. Her Majesty's Government, the noble Lord near him, and the noble Lord on the cross benches, had all concurred in this; but the opinion of those who opposed the Bill as it now stood was, that there should be in the Bill some provisions in favour of the principle of reciprocity; that there should be given by the Bill some means of inducing foreign countries to make concessions equivalent, or at any rate reciprocal, to those which it was proposed to make in their favour by their relaxation of your navigation laws. This was proposed to be done in three different ways. First, it was the opinion of Her Majesty's Government that the Acts affecting a great part of the British navigation should be repealed; but they reserved to themselves this power, in regard to prohibitions and restrictions

as to the voyages of British vessels and the articles they imported, that it should be lawful for Her Majesty to impose such restrictions and prohibitions in this country upon the vessels of foreign countries, and the articles imported by them, as in the ports of those countries were imposed upon British ships and articles of importation. He begged their Lordships to observe the wording of the clause as proposed by Her Majesty's Government. This power only arose under the circumstances that there was in the foreign country a prohibition or restriction upon the voyages that British ships might make, or upon the articles of commerce that British ships might carry for importation. Her Majesty's Ministers had not looked so carefully to the wording of their proposition as his noble Friend on the cross bench had to the wording of his. Provided there was no plain prohibition or restriction on British ships, or the articles imported in British ships, there would be no power under the Government proposition. There might be every sort of injury inflicted in the shape of duty; there might be an indirect refusal of the rights of the most favoured nation, and nothing could be done. His noble Friend on the cross bench had provided for all those cases. But again, let their Lordships observe the power that the Government had of placing what restriction they pleased upon articles imported in the ships of foreign States which should not place us in a position of reciprocity. There was no mention of the repealed Acts. Their power was to be regulated only by all the acts of foreign States, all of which they might import into our legislation. They were, in fact, bound to do so, because the clear direction of the clause was, that the Government should place foreign ships in our ports in precisely the same circumstances as British ships were in the ports of the various foreign States. They must, therefore, adopt the legislation of all those foreign countries; and he begged their Lordships to see what the consequences would be. There was at present but one code of laws applicable to all: there would then be a different code applicable to each particular foreign State; and these codes would not be found in any published Act of Parliament to which merchants could refer for information, but only in the Orders of Council. Such was the simplicity of the system which Her Majesty's Ministers were desirous of establishing. The Amendment of his noble Friend on the cross bench (Lord Wharncliffe) required that which it would certainly take some time to prepare. He required that in every case where there were restrictions or prohibitions in foreign States upon the voyages of British ships, or upon articles on which there should be any variety of duty, by which there should be any direct or indirect preference given to the national over the British ships, or in which British ships were not altogether placed under circumstances of the most favoured nation, the whole commercial code of every such foreign nation which did not exactly correspond with our legislation, should, in a series of Orders in Council be published for the information of every merchant and shipowner. That done, Her Majesty in Council was to be empowered to suspend the repeal of our Navigation Acts as regarded such foreign State. That was his noble Friend's proposition, and although the power granted under this proposition was more limited than that contained under the proposal of Her Majesty's Government, it was attended with this great evil, that there would be no end to the variety of legislation which must be introduced under such a power. He next begged leave to lay before their Lordships the difference that existed between those two propositions and that of his noble Friend (Lord Stanley) which was then before them. In the first place, he thought there were very serious constitutional objections to doing that by Order in Council which could be done otherwise and as well by Act of Parliament. It was a novel system of modern times, and one to be repudiated, not followed as an example. It was a transference of the legislative power, which, except under extreme circumstances, their Lordships were not authorised to make. The Amendment of his noble Friend (Lord Stanley) dealt very carefully in giving any power to Her Majesty in Council. His noble Friend said, "If it should be made to appear to Her Majesty that any foreign country was willing to concede to the ships of this country the like privileges and advantages as were enjoyed by the ships of such foreign countries, or anything equivalent thereto, Her Majesty in such case might declare as follows," &c. Now, he begged their Lordships to observe, that by such a clause the only point on which discretion was given to Her Majesty in Council was, to decide what advantages should be considered to be equivalent to those which had been offered. Their Lordships would therefore

observe, how very limited was the power proposed to be granted to Her Majesty in Council by the proposition of his noble Friend. It would be incorrect to say that their Lordships had then to decide between the plan of Her Majesty's Ministers and the amended plan of his noble Friend. It was not so. The principle being established that Her Majesty should be authorised to ascertain what foreign Powers were willing to make concessions, and that she should be empowered to grant privileges in return, the Amendment of his noble Friend merely affirmed the naked principle; and the mode which he (the Earl of Ellenborough) thought he had pointed out was a more convenient one of arriving at that which Her Majesty's Ministers proposed than either theirs or that of his noble Friend on the cross benches; but it was open to any noble Lord to specify the relaxations of the existing code, which he would be willing to make. He had thus endeavoured shortly and clearly to place before their Lordships the exact position in which they stood. Any one could see the three courses of proceeding before them, but he could hardly see how they could hesitate to adopt the proposition of his noble Friend, which ran most directly and most certainly to that which was their Lordships' avowed object.

The MARQUESS of LANSDOWNE said, that after the two last speeches of noble Lords on the opposite benches, he could not avoid offering a few observations to their Lordships. His noble Friend who had last addressed them had dexterously endeavoured to detach from the Amendment of the noble Lord all the words that followed those particular ones which he had quoted; but he had left untouched and unanswered the speech of his noble Friend the noble Earl near him, who had clearly shown the inconsistency of the Amendment, and the inconveniences which might arise from its wording. The consequences that might follow from its adoption, he (the Marquess of Lansdowne) should presently state, or perhaps only restate. The noble Earl said, that there was nothing of difference between the different parties in the House, but upon the mode of adjusting the principle of reciprocity. He (the Marquess of Lansdowne) utterly denied it. He thought the Bill would be utterly insignificant if that were all. There was this essential difference between the two plans, that by the Government Bill they removed all the restrictions that they could, and kept none but those that were imposed by necessity upon them; whilst the noble Lord strove to keep all the restrictions he could, except those which he was driven from by force of circumstances that he could not resist. By the Amendment of the noble Lord, he felt many of the restrictions which were most injurious to the commerce of the country, exactly where he found them. The noble Earl who had spoken last contended, that, if the Bill passed, we should be left at the mercy of any foreign Power to restrict and impair our commerce. The noble Earl must have read the Bill very imperfectly, or he would have found that there was a clause to guard against that very contingency. If the noble Earl had not read the Bill, others of their Lordships also might not have read it; and he must, therefore, tell those who believed it possible that Her Majesty was deprived by this Bill of the means of resenting such conduct on the part of any other Power, that they were mistaken, and he would read the clause. The following was the 10th Clause of the Bill, as follows :—

"And be it enacted, That in case it shall be made to appear to Her Majesty that British vessels are subject in any foreign country to any prohibitions or restrictions as to the voyages in which they may engage, or as to the articles which they may import into or export from such country, it shall be lawful for Her Majesty, if she thinks fit, by order in Council, to impose such prohibitions or restrictions upon the ships of such foreign country, either as to the voyages in which they may engage, or as to the articles which they may import into or export from any part of the united kingdom, or of any British possession in any part of the world, as Her Majesty may think fit, so as to place the ships of such country on as nearly as possible the same footing in British ports as that on which British ships are placed in the ports of such country."

That clause met the particular case referred to by the noble Earl. But that was not all. The 11th Clause ran thus :—

"And be it enacted, That in case it shall be made to appear to Her Majesty that British ships are either directly or indirectly subject in any foreign country to any duties or charges of any sort or kind whatsoever, from which the native vessels of such country are exempt, or that any duties are imposed upon articles imported or exported in British ships, which are not equally imposed upon the like articles imported or exported in national vessels, or that any preference whatsoever is shown, either directly or indirectly, to national vessels over British vessels, or to articles imported or exported in national vessels over the like articles imported or exported in British vessels, or that British trade and navigation is not placed by such country upon as advantageous a footing as the trade and navigation of the most

favoured nation, then and in any such case it shall be lawful for Her Majesty, if she thinks fit, by order in Council, to impose such duty or duties of tonnage upon the ships of such nation entering into or departing from the ports of the united kingdom, or of any British possession in any part of the world, or such duty or duties on all goods, or on any specified classes of goods, imported or exported in the ships of such nation, as may appear to Her Majesty justly to countervail the disadvantages to which British trade or navigation is so subjected as aforesaid."

Never was a better safeguard provided than these clauses afforded against the contingency imagined by the noble Earl. The Bill of the Government set out with laying down a broad line of policy, which they were prepared to adopt as laying a broad foundation for the interests of commerce in this country; but after giving every attention to the Amendment, and listening to the arguments in support of it, he could not but feel that the noble Lord, after holding out certain polar stars by which he was to guide them in the system of change which he proposed—namely, that of free, open, and complete reciprocity, persuaded that in universal reciprocity would be found the best security for the commerce, the prosperity, ay, and for the Navy of this country—had to a certain degree sacrificed his own principles, for the changes themselves were inconsistent with the considerations the noble Lord had put forth. One great object, for instance, was to give satisfaction to Canada, and for that he would make an infraction of the navigation laws, and abandon, *pro tanto*, the interests of British seamen, which, according to his hypothesis, were involved in every departure from the navigation laws. But who would believe that Canada, having once tasted of one specific facility, would not claim bit by bit—what we should be forced to concede—the complete navigation of the St. Lawrence free to all ships and accessible to all countries? As regarded the United States, while the noble Lord taxed the Government with giving everything away to them, the fact actually was that by his Amendment the United States would derive greater advantages than any other country. They were the favourites of the noble Lord, and the House must observe that of all countries the most favoured was the United States, and that without any provision for a return. But, while giving these advantages to America, and endeavouring to satisfy Canada, the Amendment would give just case of dissatisfaction to colonies equally attached to the mother country, but which were not to participate in these privileges, because the noble Lord was determined not to allow them, except in cases where the noble Lord thought an immediate gain could be made, unheeding that general gain and advantage which would be derived. The noble and learned Lord opposite had spoken contemptuously of statistics; but he would remind that noble and learned Lord, that if any statement founded on statistics in connexion with the present Bill remained unshaken, it was that statement that under treaties now existing, by which this country enjoyed no protection, she nevertheless monopolised the greater part of the commerce of the north of Europe; and this advantage, in his belief, she would infallibly lose if the proposed Amendment were agreed to. The extension of our warehousing system was one of the great objects of the Bill. If the gradual growth and development at its different stages of the warehousing system in this country were looked to, it would be found that every increase in that system had been attended with a corresponding effect, tenfold, upon the prosperity and wealth of this country; and the tendency of the present Bill would be to promote that system, inasmuch as it would bring the vessels of other countries, which would be excluded by the Amendment of the noble Lord, to the British shores, conveying the produce of Asia, Africa, and America for the purpose of being warehoused in this country, and afterwards distributed through Europe. Would not this contribute more to the gain and advantage of British shipping than that partial exclusion of foreign vessels which it was now possible to enforce? The noble Lord said that the Bill had not the general assent of this country; but he (the Marquess of Lansdowne) believed, historically speaking, that no measure advantageous to the commerce of this country was ever adopted by Parliament which could be said to have the assent of the mass of the people of this country, if the sense of the people were to be collected from public demonstrations and petitions. However, with respect to this particular measure, he conceived that, as its provisions were considered, even in the outports, the feeling against it was disappearing. Much had been said with respect to Liverpool; and in reference to the petition which he presented from that city, he had not stated the petitioners to be such a mere representation of the mass as might be obtained by counting the persons who signed; but he had said that the peti-

tion represented the opinion of a great many most intelligent and enlightened mercantile men in that city. With respect to Glasgow, he would state what had recently occurred there, on the authority of a newspaper devoted to the cause of protection, and opposed to the repeal of the navigation laws. The noble Marquess here quoted a paragraph, setting forth that a meeting had been convened in the Merchants' Hall for the double purpose of forming a reciprocity association, and petitioning against the Bill for the repeal of the navigation laws; and it appeared that the attendance did not amount to more than 150 individuals, including 12 reporters; and out of seven persons on the platform, not more than two had the slightest interest in shipping. The arguments against the present measure which assumed to be great and overpowering, sank into insignificance when used in application to any similar question on a small scale. He had, within a day or two, read something relating to an inquiry respecting navigation on a small scale, which had brought out the same opinions and arguments as had been used in opposition to the present Bill. He referred to an inquiry respecting the navigation of the Tyne; and, in the course of the investigation, a great authority, bearing no less a title than the Ruler of the Pilots, denounced a cause of decay with respect to the interests of the Tyne and the interests of the pilots; and that was the circumstance that, as he had reason to believe, the corporation of Newcastle were about to put up an illuminated clock at night. The Ruler of the Pilots said, that when that was done, strangers would be able to come up the Tyne without pilots, and that therefore the clock should be put down, for that the pilots, who were dear and necessary to Englishmen, ought to be protected. These sentiments would appear ridiculous if uttered before a Committee of their Lordships; but they were exactly the same as had been expressed in opposition to the present Bill; for, while regarding the interests of individuals, the interest of the country at large seemed to be disregarded. The object of this Bill was to contribute to the extension and maintenance of the commerce of the world, which, when promoted, could not fail, sooner or later, by quick or by slow degrees, to advance the general prosperity of the finance, the customs, the excise, and all those interests of this country to which the noble and learned Lord had adverted. He (the Marquess of Lansdowne) hoped that, whatever other amendments their Lordships might adopt, they would reject the amendments of the noble Lord opposite, which were proposed—the one now before them in conjunction with the rest—for the purpose of narrowing to the greatest degree the benefits of this measure, and that they would with a good grace assent to those relaxations which, if they now refused, they might afterwards with a bad grace be compelled to yield.

On Question, House divided:—Contents, 103; Not Contents, 116: Majority against the Amendment, 13.

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Downes
Feversham
Forester
Grantley
Hawke
Kenyon
Lyndhurst
Polwarth
Rayleigh
Redesdale
Rollo
Rodney
St. John
Sandys
Sinclair
Skelmersdale
Sondes
Southampton

Stanley
Tenterden
Walsingham
Wynford

List of the NOT-CONTENTS.

Lord Chancellor

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Buccleuch
Devonshire
Leeds
Leinster
Norfolk
Wellington

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Abercorn
Anglesey
Breadalbane
Clanricarde
Donegal
Headfort
Lansdowne
Normanby
Sligo
Westminster

EARLS.

Aberdeen
Besborough
Bruce
Burlington
Carlisle
Cowper
Clarendon
Craven
Camperdown
Clanwilliam
Chichester
Courtown
Devon
Denbigh
Ducie
Essex
Effingham
Fitzwilliam
Fortescue
Fitzhardinge
Fingall
Grey
Granville
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Kingston
Kenmare
Lindsay
Liverpool
Leicester
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Morley
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Hardinge
Hawarden
Ponsonby
Sidney

BISHOPS.

Archbishop of York
Durham
Manchester
Oxford
Peterborough
St. Asaph
Tuam
Worcester

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Arundel
Beaumont
Byron
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Carrington
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Campbell
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Howden
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Keane
Kinnaird
Lyttelton
Leigh
Lovat
Montfort
Monteagle
Milford
Poltimore
Studeley
Stuart de Decies
Saye and Sele
Stourton
Vaux
Vivian
Wharncliffe
Wodehouse
Wrottesley

Paired off.

FOR.	AGAINST.
Earl of Enniskillen	Lord Cloncurry
Earl of Erne	Earl of Gosford
Earl of Rosslyn	Lord Suffield
Lord Farnham	Earl of Leitrim
Earl of Lauderdale	Lord Belhaven
Lord Douglas	Lord Holland
Viscount St. Vincent	Earl of Auckland
Duke of Athol	Lord Stafford
Lord Bagot	Earl Radnor
Lord Gray	Marquess of Conyngham
Lord Lorton	Lord Dacre
Lord Castlemaine	Lord De Freyne
Earl Brownlow	Marq. of Northampton
Lord Sherborne	Lord Churchill
Viscount O'Neill	Viscount Massareene
Duke of Rutland	Lord Wenlock
Lord Saltoun	Duke of Roxburgh
Viscount Canterbury	Viscount Clifden
Bishop of Bath and Wells	Bishop of Salisbury
Viscount Beresford	Earl Cornwallis
Bishop of Bangor	Bishop of London
Bishop of Llandaff	Bishop of Hereford
Lord Bayning	Bishop of Norwich
Earl Darnley	Bishop of Ripon
Marquess of Ailesbury	Earl De Grey
Earl of Tankerville	Earl Howe
Earl Somers	Lord Heytesbury
Earl of Dartmouth	Marquess of Ormonde
Earl of Chesterfield	Lord Mostyn
Earl Digby	Duke of Somerset
Duke of Beaufort	Earl of Cork
Earl of Ranfurley	Earl Pembroke
Earl of Rosse	Lord Cremorne
Lord Willoughby de Eresby	Lord Manners
Earl of Munster	Duke of Sutherland
Bishop of Rochester	Lord Denman
Viscount Hereford	Lord Dunfermline
Lord Templemore	Lord Abercromby
Earl of Clare	Earl of Ripon
Viscount Exmouth	Lord Portman
Earl of Orkney	Lord Langdale
Earl Beverley	Lord Rossmore
Earl of Roden	Earl Lovelace
Earl Beauchamp	Earl of Ellesmere
Duke of Manchester	Archbishop of Dublin
Earl of Winchilsea	Earl of Uxbridge
Earl of Longford	Earl of Gainsborough
Earl of Bandon	Earl of Wicklow

House resumed.

LORD STANLEY said, after the decision the Committee had just come to, he would not offer any further opposition to the repeal of the 8th and 9th Vict., c. 88, which he wished merely to see amended. He would, however, have some observations to offer on other provisions of the Bill.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, May 21, 1849.

MINUTES.] NEW WRIT.—For Sutherlandshire, *v.* Sir David Dundas, Judge Advocate.

PUBLIC BILLS.—2° Charitable Trusts.

Reported.—Society for the Prosecution of Felons (Distribution of Funds); Incumbered Estates (Ireland); Passengers.

PETITIONS PRESENTED. By Viscount Ossulston, from Clergy residing in the Deaneries of Norham, Bamburgh,

and Rothbury, against, and by Mr. Sharman Crawford, from Mawley, Salop, for an Alteration of, the Parliamentary Oaths Bill.—By Sir Henry Davie, from North Berwick, for an Extension of the Suffrage, against the Marriage (Scotland) Bill, and for Repeal of the Game Laws.—By Mr. Ewart, from Cample, Dumfries-shire, for the Adoption of Universal Suffrage.—By Sir G. Philips, from Poole, Dorset, for the Clergy Relief Bill.—By Mr, Colvile, from Etwall, Derbyshire, against the Marriages Bill; and from Ashbourn, against Endowment of the Roman Catholic Clergy, and for Encouragement to Schools in Connexion with the Church Education Society for Ireland.—By Mr. Stanton, from the Guardians of the Stroud Union, for the County Rates and Expenditure Bill.—By Mr. G. Cavendish, from Bakewell, Derbyshire, for Repeal of the Duty on Malt.—By General Lygon, from a Meeting held in the County of Worcester, for Agricultural Relief.—By Mr. Slaney, from London, for the Establishment of Boards of Trade.—By Viscount Mahon, from Hertford, for an Alteration of the Cruelty to Animals Bill.—By Mr. Eliott Lockhart, from Selkirk, against the Lunatics (Scotland) Bill.—By the Chancellor of the Exchequer, from Halifax, for Reform in the Medical Profession; also respecting Poor Law Medical Relief.—By Mr. F. O'Connor, from Colliers of Northumberland and Durham, respecting Accidents in Mines.—By Captain Dawson, from Monaghan, against the Renewal of the Monaghan and Lurgan Road Act.—By Mr. Grantley Berkeley, from Stow in the Wold, Gloucestershire, for a Superannuation Fund for Poor Law Officers; from Proprietors of Fisheries and Fishermen in the River Severn, for an Alteration of the Law respecting Salmon Fisheries; and from Newnham, for the Suppression of the Slave Trade.—By Mr. James Matheson, from Rosskeen, Rossshire, against the Registering Births, &c. (Scotland) Bill.—By Mr. Alexander Hastie, from Glasgow, for the Abolition of Tests for Schoolmasters (Scotland).—By Mr. Kershaw, from Stockport, and by other hon. Members, for referring International Disputes to Arbitration.

FIRING AT THE QUEEN.

LORD J. RUSSELL: Sir, before I move the postponement of two Orders of the Day that stand on the Paper for to-night, I think it right, in order to allay public apprehension, to say that, a statement having been made in some of the newspapers of Saturday evening that a treasonable attempt had been made against the life of Her Majesty, I can state, that although it is unfortunately true that a pistol was discharged at the Queen when Her Majesty was passing on Her return home to Buckingham Palace, it has been found that there is no reason to accuse the person who discharged the pistol of a treasonable attempt, and that it is a crime more remarkable for its baseness than its atrocity. I have only further to state that I am sure if it had been an attempt of another kind I should have had the cordial assent of this House to an address to Her Majesty congratulating Her on the preservation of a life so valuable. I may add, that Her Majesty on this occasion, which might have been one of a most serious nature, acted with Her usual intrepidity and self-possession. The noble Lord then moved that the Committee on the Poor Relief (Ireland) Bill be postponed till the 4th of June, and also the Ecclesiastical Commission Bill.

MR. J. O'CONNELL hoped it would not be considered an intrusion if he said, that, heavy as were the misfortunes of Ireland, it would be regarded as an aggravation of those misfortunes that the dastardly miscreant who had committed this outrage was an Irishman. He would say, however, that he believed amidst the greatest excitement that prevailed in Ireland last year, there would not have been found one among the fiercest, the wildest, the most unruly who took part in those unhappy events, who would have harboured a feeling of personal insult towards Her Majesty. And even now, although the misfortunes of Ireland were absorbing the attention of every one in that country, he might say that they would all be in a moment forgotten in one general burst of congratulation and fervent joy that our beloved Sovereign had escaped unhurt from this outrage upon Her person.

Subject dropped.

INCUMBERED ESTATES (IRELAND) BILL.

The House resolved itself into Committee on the Bill.

On Clause 1 being read,

MR. J. STUART complained that no answer had been given to the objections he had made to this Bill. The Irish Members all supported this Bill; but so they supported a Bill of last year, which had proved a total failure; but when he had objected to that Bill the Irish Members were not disposed to listen to his objections. In point of principle, however, this Bill was more objectionable than the Bill of last year. English Members should, however, attend to this, that it was proposed to have the commissioners under this Bill paid out of the English Exchequer, and that the commissioners so paid were to exercise the powers now exercised by the Lord Chancellor. If the commissioners performed part of the duties of the Lord Chancellor, why not perform the whole of them? The Lord Chancellor ought to point out where it was that the law was defective in supplying those powers which would enable him, by his own act and decision, to facilitate the sale of incumbered estates in Ireland. An hon. Friend of his had observed that the Court of Chancery in that country was a nuisance; and that the most fatal thing that could occur was for an estate to be subject to a receiver of that court; but, if it were so, where, he asked, was the Lord Chancellor, and why did the Court of Chan-

cery exist? Surely it was the business of the Court of Chancery to preserve the property of Ireland in a sound and proper state, and prevent it from falling into such a condition as to render necessary the interference of the Legislature by a measure of this kind. It would be the duty of his hon. and learned Friend the Solicitor General to satisfy the House, why the Irish Court of Chancery, under the presidency of the existing Lord Chancellor, was in such a state that the receivers were obstructing the sale and mismanaging these incumbered estates; then, if the receivers were under the control of the Lord Chancellor, he ought to explain why he permitted them to neglect their duty, and the Exchequer of England to be saddled with the expense of maintaining a commission to discharge that duty; and, moreover, if the Court of Chancery in Ireland were in such a disgraceful state, why the responsibility was not made to rest upon the head of that court. He should much wish to hear from Her Majesty's Government some apology for the position in which the Court of Chancery was placed under the auspices of the learned and eminent individual who now presided over it. His (Mr. Stuart's) great and primary objection to the Bill was, that it appointed commissioners to do what the Lord Chancellor ought to do. The first eight clauses were occupied with creating the office of commissioners, and he should have felt it to be his duty to object to and take the sense of the House upon them, were it not on account of the great chorus of approbation with which the Irish Members had received the Bill. He would not, therefore, waste the time of the House by dividing upon them in Committee. Other clauses, authorising the commissioners to make rules, and defining the jurisdiction of the commissioners, were liable to the same objection; but he should defer pressing his opposition until the third reading of the Bill, when he should certainly take the sense of the House upon it.

COLONEL RAWDON thought it only just to the Government to read a short letter he had received that day from Dublin from a gentleman having great experience in such matters, and in the management of property by the Court of Chancery in Ireland. That letter stated "the Bill for the sale of incumbered estates in Ireland will be one of the most beneficial measures for that country which has been yet introduced. It is prepared with such wonderful clearness, and the provisions of it are so simple, that it is unnecessary for me to trouble you with any observations in reference to it." He (Colonel Rawdon) also, from all he had heard, believed the Bill would be attended with great advantage to Ireland.

MR. SHAFTO ADAIR said, even if Her Majesty's Government should decline to reply to the question put by the hon. and learned Member for Newark, still he should consider that the failure of the Incumbered Estates Bill of last year was a sufficient justification for the present measure, and that such a delegation of powers as was here proposed was not only absolutely necessary, but that it would prove highly beneficial. The course they had pursued on the last occasion was sufficient to convince him that an adherence to existing forms, in such a case as the present, would be exceedingly inconvenient. The intentions of the Government with respect to the Bill, he thought, were abundantly plain, if it were true, as he had heard, that they proposed to send over Sir Edward Sugden as one of the commissioners under this measure—a gentleman whose high legal knowledge and experience in the Irish Court of Chancery would be sufficient to ensure for the working of this Bill the confidence and support of the Irish people.

MR. F. FRENCH had been opposed to the measure when it was first introduced; but had found then, as since, that the opposition of Irish Members was always ineffectual when brought into competition with English prejudices. The objection he entertained to this measure was the same as he had stated in regard to that of last year—that it would injuriously affect the proprietors of land, and those who were otherwise dependent on the property, by bringing it into the market at a time when it would not realise anything approximating to its real value, nor sufficient to pay off the incumbrances. The Bill professed to be based on the groundwork laid down in the suggestion of the right hon. Baronet the Member for Tamworth. But the proposition of the right hon. Baronet was not for the mere purpose of forcing estates into the market, without providing for the interests of all parties, which this did; and herein consisted the difference between the two measures.

SIR J. B. WALSH did not anticipate any great benefits to result from this measure. The Bill of last Session was ineffectual; and this Bill, he believed, would

share precisely the same fate. It appeared to him that it would be wholly inoperative. He had no idea that any sales of estates would take place in the present state of Ireland. It appeared to him that in Ireland generally, and especially in the distressed districts, which it was the professed object of the House to relieve, it would be as impracticable at this moment to sell estates, and as absurd to attempt to do so, as it would be to sell a house by auction while it was on fire. He did not believe that the commissioners, acting under the maxims of law, and the received principles of equity, would offer to sell the land at a total sacrifice of the property; and unless they proposed to do so, he did not see where they were to find purchasers in the present state of Ireland. But even if the commissioners were enabled to effect sales under the most advantageous circumstances —that was, to dispose of the property to persons possessed of abundant capital, and who were prepared to fulfil, in the cant language of the day, their duty as landed proprietors to those upon the property, he doubted whether the new proprietors would be found to act differently from the old, unless a total change was effected in the circumstances in which the distressed districts were placed, and in the difficulties with which the proprietors had to contend. He had another and a very strong objection to the Bill, and that was with reference to the arbitrary powers it conferred upon the commissioners. He admitted that, considering the destructive and anarchical principles which had been pressed upon the adoption of the Government by some of their usual supporters in reference to this subject, the Conservative party were so far indebted to them for their adherence to the rights of property as they at present existed, and for their declaration that they contemplated no violent and arbitrary change in the law itself. But while he gave them credit to that extent, he must at the same time say that the proposed commission introduced very dangerous principles, which it behoved all who loved liberty, property, and order, attentively and jealously to watch. Now, he was no Whig, but he had as much love of justice, and as much hatred of arbitrary power, as any Whig of the days of Charles II. It was true there was now little danger to be apprehended from the arbitrary power of a Sovereign; but there was quite as much tyranny in the arbitrary power of a democracy. What was the nature of this tribunal before which the property of one portion of the country was to be brought? The commission was anomalous in its character, the powers intrusted to it were of a most arbitrary and unprecedented character, and it would be composed of men necessarily dependent upon Government, and expectants of their favour; and it was to a fleeting and ephemeral commission of this kind that it was now proposed to give the power of controlling a large portion of the landed property of Ireland. It would be, of course, impossible to have the same security in dealing with a commission intrusted with such large discretionary powers, as they would have in dealing with the regularly constituted authorities of the country. Seeing, therefore, that the measure involved the delegation of such large discretionary powers, he hoped Her Majesty's Ministers would be able to give the House some positive assurance that the execution of these powers would be intrusted, if not to the hon. and learned gentleman (Sir E. Sugden), to whom allusion had been made, at least to persons of the same class, and possessing the same high character, and great legal knowledge.

Lord J. RUSSELL said, the real question was, whether the state of Ireland was such as to demand some extraordinary remedy for the purpose of securing the sale of land, and putting estates that were greatly incumbered into the hands of other persons, who would be enabled not only to do their duty to the land, but also to the persons upon the land. If the House were dealing with an ordinary state of circumstances, he would admit the justice of the remarks that had been made by the hon. Baronet: he would admit that it might be well, either to leave the matter in the hands of the Court of Chancery, as at present constituted, or to make such amendments in that court as to render it more fit for the exercise of its powers. But, as the House had already decided, on the second reading of this Bill, that there was a state of circumstances in Ireland at present requiring an extraordinary remedy, he must say, that, in his opinion, the question for the House to consider in Committee was —not whether they should reject altogether the principle of the Bill, and leave the matter in the hands of the Court of Chancery; but whether the machinery for carrying into effect the views of the House, and the rules and modes of proceeding proposed, were either sufficiently strong, or were more arbitrary than was necessary,

for the purpose. This was the matter upon which the Committee should now deliberate, and not upon the general propositions which had been discussed by the hon. Baronet. He wished only further to say, that he did not think that the Lord Chancellor of Ireland, in expressing his assent to this measure, had either shown, on the one hand, an undue attachment to those forms of proceeding with which he had long been conversant; or, on the other, a wish to divest himself of any of the responsibility and labour which belonged to his high station. His (Lord J. Russell's) belief was, from all the correspondence he had had with him upon the subject, and all that he had seen of the Lord Chancellor of Ireland, that, in agreeing in the opinion that had been expressed, that it was desirable that some extraordinary means should be adopted for securing the speedy sale of incumbered estates, and more especially for the purpose of giving good Parliamentary titles to land in Ireland, that learned Lord had been actuated solely by patriotic motives, and not by those which had been attributed to him. The hon. Member for Roscommon had said, that the Bill had been devised in conformity with English prejudices. He (Lord J. Russell) was hardly prepared to admit the truth of that assertion. The first person he had heard make the declaration that there should be a great change in the proprietors of Ireland, in order to bring the country into a state of prosperity was a gentleman who gave evidence before a Committee of that House in 1832—a gentleman who was well known to most Members of that House, and who was as good an authority on Irish matters as any Irishman could well be—he meant Mr. More O'Ferrall, the present Governor of Malta. Mr. O'Ferrall did not suggest any mode of carrying into effect his proposal; but he gave it as his decided opinion, that there must be some means found of introducing a change of proprietors before they could hope for any permanent improvement in Ireland.

COLONEL DUNNE designated the Bill a sweeping measure, inasmuch as it entrusted to a commission a very arbitrary power over every estate in the country which was indebted in almost the smallest amount. He thought the House ought to know who the commissioners were to be; and if his views met with the concurrence of his countrymen, he would move, at once, that the House do adjourn upon the 1st Clause; because nothing could be more unjust than to invest in three unknown men powers similar to those exercised by the Autocrat of Russia. Powers were entrusted to them to decide questions of law, questions of title, and questions involving the claims of incumbrancers; and they were also to frame rules for their guidance, subject to the approval of the Privy Council. Sir Edward Blakeney, the commander of the forces in Ireland, was one of the members of the Privy Council; and he (Colonel Dunne) should like to know whether such a gentleman was a fit person to decide upon the rules in an importaut case of that kind. He confessed that he would have more confidence in the Court of Chancery than in the Privy Council, particularly as he was ignorant of the names of the commissioners. Various clauses of the Bill were almost unintelligible. He should like an explanation to be given of the meaning of the 17th, 19th, and 24th Clauses.

The CHAIRMAN suggested that it was very desirable to take the clauses *seriatim*, commencing with the first.

COLONEL DUNNE would bow to the decision of the Chairman, and postpone any observations he had to make upon the clauses until they severally came before the House. But he must again object to the injustice of the Bill, and deny that the present circumstances of Ireland afforded any justification for its enactment. Land could not now be sold in the sister country except at a price considerably under its real value, although a sale under the Court of Chancery conferred as safe and good a title as any that could be granted by Parliament. The difficulty in Ireland, was not as to the title, but as to the registry of judgments and deeds. He begged to remind the House that there was a court of equity exchequer in Ireland, the cost of which was 15,000*l.* a year, for disposing of the small number of 186 causes; and he did not see why the remembrancer of that court should not do the duty of a third commissioner under the present Bill.

MR. GROGAN said, the hon. and learned Gentleman who opened the discussion that evening had placed the subject in a clear and intelligible manner before the House when he alleged that it was unconstitutional to appoint three commissioners under the Bill. He (Mr. Grogan) admitted, with the noble Lord at the head of the Government, that the state of Ireland was extraordinary, and that it called for extraor-

dinary measures; but he thought that if the objections which existed to the administration of justice in the Court of Chancery were facilitated and eased, that that court might be made an exceedingly competent jurisdiction for the carrying out of the Incumbered Estates Bill. He admitted that much apprehension would be removed if the commissioners were named in one of the clauses; but he contended that, supposing the best men to be appointed, they would, after all, be the nominees of the Government, and such an absolute and uncontrolled power as that over the property of Ireland ought not to be vested in any Administration. He believed the Bill would be inefficient in some instances, and by far too efficient in others. The powers conferred upon the commissioners were so strong, that, generally speaking, there would not be a single landed proprietor in Ireland who would be considered safe, because, upon the application of any one creditor the commissioners could investigate and sell. In this respect it would be too efficient. It would be inefficient, because alone and unsupported it must fail, unless some means were found for obtaining purchasers. At present purchasers were not to be had; and great injury must necessarily be done to incumbered proprietors and mortgagees, if property were forced upon the market, and sold, as it was now selling in one or two cases, for eleven years' purchase. Lately, the property of a noble Earl had been divided into twenty-four lots, for the purpose of enabling persons of small property to purchase; but every one of these lots had remained unsold. If, indeed, sales could be facilitated by procuring purchasers, and if the New Poor Law Amendment Act could be so framed as to give confidence and satisfaction, not alone to the present proprietors, but to the new purchasers, then a measure of the present kind would abolish expensive processes in the Court of Chancery, and great good might result.

Sir L. O'BRIEN thought the Bill was an improvement upon that of last year, and for the improvement they had to thank the right hon. Baronet the Member for Tamworth. But still he thought they should be informed who were the commissioners about to be appointed. He would be satisfied with the Lord Chancellor, or the Master of the Rolls. But he would unite with his hon. and gallant Friend opposite, if he divided the House upon any stage of the Bill, unless they were informed of the names of the commissioners. He thought the Government could have no difficulty in so doing. They had done it in the matter of the Poor Law Commissioners last year, and the names were approved of by the House. He had spoken upon the subject to the noble Lord at the head of the Government, whom he did not then see in his place, and the noble Lord had given him to understand that there would be no objection, upon the part of the Government, to give the names. There was another matter upon which he should offer a few observations. The House was labouring under a delusion, if they expected that purchasers who owed no money would be found for the estates thrown into the market. The regular customary course, when a man purchased an estate, was to borrow a large portion of the purchase-money on mortgage of the property. The estate became thus at once incumbered to a certain extent. Then came the desire of immediate improvement, to effect which more money should be borrowed. Irish proprietors were blamed for not availing themselves of the money offered on loan by Government; but the fact was, that they were unwilling to contract any further engagements. He himself did not wish to incumber his estates by accepting those loans, and they really appeared to him to be a regular trap laid for the Irish landlords; for, after the money had been offered, and the debt contracted, the Government came forward with those stringent enactments to compel sales, and the unfortunate borrowers would be sold out. He knew the names of many who were spoken of as about to be sold out under this Incumbered Estates Bill, in consequence of their having contracted debts for the purpose of effecting improvements. He admitted that facilities for transferring land in Ireland would be very useful, and were much wanted; but he wished them to be cautious in the measures they adopted. As to creating a small resident proprietary, they would not succeed. A man having a sum of money sufficient to purchase a small holding would get no more than four or five per cent for it, by laying it out in the purchase of land, whereas by taking a farm he could make twenty per cent of it.

Colonel DUNNE moved that the Chairman report progress, and ask leave to sit again. He confessed that he had not sufficient confidence in the Government to leave the nomination of the commissioners exclusively in their hands, and that his ob-

ject in submitting this Motion was to obtain the names of the parties in question.

MR. J. O'CONNELL said, that so far as he had been able to ascertain, Ireland was decidedly in favour of the present measure. He felt surprise that any Irish Member should oppose a measure which was likely to effect such general benefit in the sister country.

MR. SADLEIR said, that the Lord Chancellor and the Barons of the Exchequer had quite as large powers of sale as any that were given to the proposed commissioners; but in the Master's office the sale was frequently postponed, to the great detriment of the estate. He knew one case in which the inheritor had obtained a postponement of the sale six several times, on the ground of an expected letter from Lord Gough, promising to purchase the estate when he came to Ireland.

COLONEL DUNNE knew that the power existed; but it was exercised by those who had a knowledge of law, and were governed by strict rules. He knew nothing of the particular case mentioned by the hon. Gentleman; but it appeared that the hon. Gentleman and the Master in Chancery were at issue as to the proper course to be pursued. The discretionary power of postponement was very often exercised most beneficially.

MR. SADLEIR said, that, in his opinion, the master had no discretion at all; and he believed that it was the intention of the Lord Chancellor and the Barons of the Exchequer to alter that practice.

After a short conversation,

COLONEL DUNNE withdrew his Amendment.

The Clause was agreed to, as were Clauses 2, 3, 4, and 5.

On Clause 6,

The SOLICITOR GENERAL said, it was intended to give a salary of 3,000*l.* a year to the chief commissioner, and 2,000*l.* to each of the other commissioners. The entire expenses under the Act would not be much. There would be, in addition to the three commissioners, a secretary, some clerks, and one or two messengers. The expense, therefore, would not be at all considerable, but, whatever its amount, it was to be paid out of the public exchequer.

MR. HENLEY said, it would be desirable to know the aggregate amount. Would there not be travelling expenses?

The SOLICITOR GENERAL said, he could not state the exact amount. As for travelling expenses, he believed there would not be any; but if any necessity for travelling should arise, then the expenses incurred only would be allowed. The salaries were to be a net remuneration.

The Clause was then agreed to, as were Clauses 7, 8, and 9.

On Clause 10, respecting the rules to be made by the commissioners being approved of by the Privy Council,

COLONEL DUNNE moved that the Court of Chancery be substituted for the Privy Council.

MR. GROGAN said, he had intended to move that the rules be subjected to the revision of the Judges.

MR. E. B. ROCHE opposed such a proposition altogether, as inconsistent with the principle of the Bill, the object of which was to get rid of the Court of Chancery, which his hon. and gallant Friend now sought to bring into play under the Bill.

The SOLICITOR GENERAL defended the clause, observing that power was given to alter the rules from time to time, as the commissioners should think right.

Amendment negatived. Clause agreed to, as were Clauses 11, 12, 13, and 14.

On Clause 15,

The SOLICITOR GENERAL said, that it was thought necessary that the commissioners should have the assistance of counsel, and hence they were invested with the powers of a court of equity.

MR. S. MARTIN hoped that some means would be taken for securing a due consideration of hostile claims to ownership, where such were well founded.

The SOLICITOR GENERAL said, the commissioners would have power to decide between conflicting titles. They were not to be bound by mere assertion, or their powers would be nullified in every instance. They would have the power of sending issues for trial, and also of submitting cases to the courts of law, where the questions raised were such as they could not determine. Without such power, it would be impossible to secure the working of the Bill.

On Clause 16,

MR. SADLEIR said, he did not think that it would be possible to effect sales under this commission, except in large parcels, and to joint-stock companies. [The CHANCELLOR of the EXCHEQUER: Why?] One reason was the large size of the unions—of itself sufficient to prevent individuals of moderate means from investing their capital in land. Then the

drainage operations, as now carried on, affected more than one estate, and would cause the parties desiring to purchase to look to the state of the surrounding lands. For the sake of facilitating large purchases by companies, it might be desirable to allow the proprietors of unincumbered estates the opportunity of selling by this commission, as these estates might be locally connected with others under incumbrance. He was anxious also to introduce a clause giving life tenants the power of selling a portion of the estate, to pay debts secured on the inheritance. There were other interests in Ireland—those for terms of thirty or forty years, which ought also to have the benefit of this commission.

The SOLICITOR GENERAL had considered the clause proposed by the hon. Gentleman, and feared it was inadmissible; for it would have this effect, that any person might create an incumbrance on his estate, and get it sold by the commission, or sell it almost without incumbrance. This would open a door to fraud, as it might be done by parties having defective titles. Should it afterwards appear, on the working of the Bill, that it might be extended beneficially to other parties, there would be no objection to doing so. As to the interests for terms, such as church leases for twenty-one years, he would consider the proposition of the hon. Gentleman before the third reading of the Bill.

Sir A. BROOKE inquired if this Bill would give any power to landowners to sell and discharge their incumbrances, still reserving the rights over their estates which this Bill secured to those coming under the commission?

The SOLICITOR GENERAL said, it was not contemplated to make any alteration in the law as it stood in this respect. The next clause, the 17th, clearly defined what was "being subject to any incumbrance."

Mr. SADLEIR feared that great obstruction would be offered to the sale of estates, by including certain interests in the Bill, and excluding others. In purchasing an estate parties would not like to deal with the commission for the fee-simple, and then have to settle with a number of middlemen for their interests.

The SOLICITOR GENERAL promised to consider the suggestion.

Mr. S. MARTIN thought it would be necessary to introduce a clause for the purpose of preventing parties having titles not worth a year's purchase from effecting sales under the commission.

The Clause was then agreed to, as were Clauses 17 and 18.

On Clause 19,

Mr. TURNER moved a proviso to the effect that no order of sale should be made on the application of any owner or incumbrancer the value of whose interest was not equal to the amount of the incumbrance; nor unless the whole of the incumbrances amounted to two-thirds the value of the estate.

The SOLICITOR GENERAL hoped this suggestion would not be adopted, as it would involve the necessity of a previous inquiry as to the respective values of the estate and the incumbrances, which in the depressed state of landed property in Ireland, was perhaps now not worth more than half its amount when the mortgages were effected. The necessary result would be to prevent sales in a great many cases. It would be the duty of the commissioners to look something beyond the technical law in these cases, and to regard what might be morally due; hence they ought to have a very large discretion.

Mr. S. MARTIN could not see how the proviso of his hon. and learned Friend could have the effect mentioned by his hon. and learned Friend the Solicitor General. He thought the proviso would have the effect of preventing fraud on the one hand, and on the other hand of preventing the sale of estates per force.

Mr. GROGAN hoped the hon. and learned Solictor General would reconsider the question, and consent to the insertion of the proviso, which would operate as a due protection to the rights of parties interested in the property, without seriously clogging the working of the measure.

Mr. TURNER did not think the observations of the hon. and learned Solicitor General had at all weakened the grounds for adopting this proviso; but he (Mr. Turner) would entirely leave it to the House to deal with his proposition as it thought fit.

Mr. GROGAN would strongly recommend the hon. and learned Gentleman to alter the latter part of the proviso so as to limit the powers of the commissioners, of ordering sales, to cases where the incumbrances did not exceed one-half the entire value of the estate. As the proviso now stood, two-thirds of the value was the limit, and he wished one-half to be substituted in its place.

Mr. TURNER would accede to the re-

commendation to alter the "two-thirds" to "one-half," and would divide the Committee on the proviso as so amended.

Amendment proposed—

"P. 7, l. 25, at the end of the Clause, to add the following Proviso: 'Provided always, that no such order for sale shall be made unless the Incumbances on the Estate to be sold shall amount to one-half of the value thereof.'"

Question put, "That the Proviso be there added."

The Committee divided:—Ayes 9; Noes 66: Majority 57.

List of the AYES.

Adair, R. A. S.	Magan, W. H.
Dunne, F. P.	O'Brien, Sir L.
Ferguson, Sir R. A.	Vesey, hon. T.
Grace, O. D. J.	TELLERS.
Grogan, E.	Martin, S.
Jones, Capt.	Turner, G. J.

Clause agreed to.

Clauses 20, 21 to 36, inclusive, were then agreed to.

On Clause 37,

MR. GROGAN conceived it was obvious that the strong powers given under this Act might, by a litigious party, be misapplied, to annoy a co-inheritor or co-proprietor in his estate. He wished to know if the hon. and learned Gentleman (the Solicitor General) would introduce a provision that in such case the commissioners should have power to give penalty costs?

The SOLICITOR GENERAL apprehended that in such a case the commissioners would have the power to refuse the application, with costs; but not to inflict costs as a penalty.

MR. S. MARTIN said, he wished to know how his hon. and learned Friend meant to deal with the case of leases created after the incumbrance where the estate was not sufficient to meet all the demands upon it. In that case the incumbrance would over-ride the tenancies on lease created subsequent to it. That would be a great hardship in the case of *bonâ fide* tenants. What he should therefore propose would be this, that power should be given to ascertain whether the lands were let at a fair rent, and upon proper terms, and upon its being ascertained that this was the case that the tenant should be protected against the subsequent purchaser.

The SOLICITOR GENERAL said, that such was the object of the clause; but if that meaning was not clear enough from the words as they stood, he would undertake to introduce others which would make it plainer.

Clause agreed to, as were also Clauses 22 to 37 inclusive.

On Clause 38,

MR. MONSELL was afraid, that unless the provisions of the 38th Clause were extended, the object of the Bill would be defeated. His hon. and learned Friend proposed to appoint a commission for the purpose of facilitating the sale of incumbered estates, and proposed also to leave the Court of Chancery the same power it had at present over those estates. His hon. and learned Friend proposed that in case a suit should have been commenced in the Court of Chancery, and the incumbrancer thereby signified a wish that the estate should be sold, the commissioners should not have the power to take the initiative, but that initiative must be taken by the incumbrancer or owner for the sale. It would be important to allow the commissioners to take the initiative, or to suspend the power of the Court of Chancery so far as related to the sale of incumbered estates. It was not an answer to his objection to say, that self-interest would induce parties to go before the commission, instead of before the Court of Chancery. He would take the case of the only incumbrancer being a solicitor—as a solicitor he would prefer the most expensive court, the Court of Chancery; and the owner of the estate, being anxious to stick to it as long as he could, would not go before the commissioners. In that case, though they had a cheap tribunal established in the country, it would be the real interest of the incumbrancer—he being a solicitor—and it would be the supposed interest of the owner, to defeat the object of the Bill.

The SOLICITOR GENERAL really thought that the plan suggested by his hon. Friend was not quite consistent with the scope and object of the Bill. The scope and object of the Bill was to sell estates on application; and his hon. Friend proposed that they should make an exception to that rule in the particular cases of suits in the Court of Chancery, where application had already been made for a sale under that court. He did not feel that they could make such an exception. He believed there were very few suits instituted in the Court of Chancery where there was not some person who desired a sale as speedily as possible, and that person had the power to apply to the commis-

sioners; but if there were the case of a person who had an estate more than sufficient to pay the mortgage, and there was an incumbrancer who, from interested motives, was anxious to sweep up the equity of redemption in costs in the Court of Chancery, and the owner of that equity of redemption had no objection, he (the Solicitor General) did not see any reason why they should not be indulged, or why they should be compelled to adopt a different course of proceeding. Where there was a decree for a sale, the party might apply to the commissioners, and have the estate sold at once.

MR. SADLEIR said, that the hon. and learned Gentleman argued the question as if no person could be interested in the sale of an incumbered estate but the creditors and nominal proprietor. He did not think there could be an objection to introduce a few words into the clause for the purpose of effecting that which would be a great improvement—namely, to sell the bankrupt estates in Ireland. There were many cases in which the creditors on the property, the inheritor, and solicitor, were all interested in continuing the property in the Court of Chancery, though no other person was interested in keeping it there. On the contrary, the tenants on the property, and the tenants on adjacent estates, and all persons interested in the improvement of the country, must be desirous to see those incumbered estates brought under the operation of the commission. As no reason had been stated to show that those bankrupt estates in the Court of Chancery should not be brought under the commission, he hoped the hon. and learned Gentleman would introduce words into the clause to meet the difficulty.

The SOLICITOR GENERAL would endeavour to introduce some words to meet the objection of the hon. Gentleman.

Clause agreed to.

On Clause 39,

MR. SADLEIR was sorry to hear that the receiver was to be continued after the proceedings for the sale had been instituted, because he thought the commissioners should be enabled to bring the property to sale under the most advantageous circumstances. Nothing could be more deteriorating to a property than to keep it in the miserable condition which an estate must exhibit as long as one of the court receivers was managing it.

The SOLICITOR GENERAL said, the object of the clause was that the commissioners should not manage the property at all, but sell the property as speedily as possible.

Clause agreed to.

On Clause 40,

MR. MONSELL remarked, that there was extreme difficulty in Ireland in obtaining writs of partition, and the proceedings were extremely cumbersome. He thought it would be advisable to facilitate the division of unincumbered estates, and the exchange of properties, in a cheaper way than those proceedings can now be effected, and that, both parties consenting, the division or exchange of property might be effected under this Bill, even where properties were not incumbered. The principle had been already adopted in this country in the Commons Inclosure Act; and he thought it would be most useful if proprietors in Ireland whose estates were not incumbered should be allowed facilities for making exchanges and for the division of properties.

The SOLICITOR GENERAL said, that no doubt it would be very desirable to facilitate the partition of estates, and there was a clause to that effect in the Bill, when the estate was encumbered. He was, however, of opinion, that the present Bill should be confined to incumbered estates, though hereafter he hoped to see the principle now introduced extended to other cases.

MR. SADLEIR was sorry to see, from the hon. and learned Gentleman's answer, that there seemed to be a disposition to hold out a bonus to Irish proprietors to incumber their estates, as otherwise they could not enjoy the facilities which this Bill was calculated to afford.

The CHANCELLOR OF THE EXCHEQUER could assure the hon. Gentleman that the Government did not underrate the value of the proposal made, but there were several other Bills in contemplation, which it was exceedingly desirable to have introduced and passed, in some of which the point might be more regularly introduced.

Clause agreed to, as were Clauses 41 and 42.

On Clause 43,

COLONEL DUNNE complained of the limited right of appeal given.

MR. S. MARTIN wished to know how the hon. and learned Gentleman would deal with the case of a man whose estate was sold against his will and interest?

The SOLICITOR GENERAL said, if

the commissioners decided against the party, he would have an appeal to the Privy Council; and if they also decided against him, it was clear that there should be some limit put to the litigation, or the proceedings would have no end. He admitted that both hearings might be decided erroneously; but then there had been many decisions, even of the House of Lords, that were now admitted to have been wrong.

Mr. S. MARTIN said, he supposed the case of a party who was absent, and therefore unable to make out his title. If the sale were hurried over, and the proceeds divided, such a person would be defrauded in consequence of having no power of appealing.

The SOLICITOR GENERAL admitted that such a case was possible, though it was hardly probable, and there might be a hardship in it; but the House should take care, in order to provide against a merely possible case, not to injure and incumber the whole Act.

Mr. TURNER said, that in these cases the right of appeal was now for the first time entirely taken away.

Mr. PAGE WOOD said, the objection applied to the principle of the Bill, rather than to this particular clause. He would remind the House that an appeal to the House of Lords often required a period of two years to have it settled; and if such an appeal were to be given in this instance, where he would ask, would be the use of the Bill at all? There could be no question but that if any reasonable doubt were raised before the commissioners, they would be most ready, as any judge would be in a similar case, to grant an appeal.

Clause agreed to.

The other clauses were then agreed to.

House resumed.

Bill reported; as amended to be considered on Thursday.

LANDLORD AND TENANT BILL.

The House went into Committee on this Bill.

Mr. MULLINGS moved the insertion of the additional clauses of which he had given notice.

Mr. PUSEY thought it would be very inexpedient to make any such addition to the Bill as that proposed by the hon. Member; but, acknowledging the importance of the principle which the hon. Member wished to establish, suggested that he should withdraw his Amendment and bring in a separate Bill on this subject.

Colonel SIBTHORP considered that the Bill would be detrimental both to landland and tenant, and would therefore oppose it *in toto* to the utmost of his power. Not a single petition had been presented in favour of the Bill from any tenant farmer, whose interest especially it was supposed to advance. In the present day, change was sought for the sake of change; but did any benefit result from those changes? Let them ask the merchant, the tradesman, the farmer, and the landlord; the answer from all would be the same. He solemnly believed that those changes had not, and that they would not, be productive of any good. The Bill might pass that House, but he trusted that it would not pass elsewhere; and he, at all events, should take the sense of that House upon it. He regarded it as a dangerous delusion and a partial measure. They were told it was permissive; but it enabled people to interfere with the interests of others against their will; it affected the interests of the Church; which was in his eyes a great objection. Under its provisions an incumbent might be prejudiced by his predecessor to a serious extent. He did not know what could have induced a member of the agricultural body to introduce a measure which was so objectionable, and was not desired by any class of persons connected with the agricultural interest.

Motion made and Question proposed, "That the said Clause be now brought up."

Amendment proposed, to leave out from the word "That" to the end of the Question, in order to add the words "this Bill, as amended, be further considered upon this day six months," instead thereof.

Question proposed, "That the words proposed to be left out stand part of the Question."

Amendment, by leave, withdrawn.

Mr. MULLINGS then moved the insertion of the following Clause:—

"That in case the growing crops of the tenant of any farm shall be seized and sold by any sheriff or other officer, by virtue of any writ of *fieri facias*, or other writ of execution, such crops shall, so long as the same shall remain upon the farm, be liable to the rent which may accrue and become due to the landlord after any such seizure and sale, and to the remedies by distress and otherwise for recovery of such rent, and that notwithstanding any bargain and sale or assignment which may have been made or executed of such crops by any such sheriff or other officer."

MR. PUSEY would leave this clause to the judgment of Members more competent than himself to judge of it. He could not see what it had to do with a Bill to regulate the relations between landlord and tenant.

MR. HENLEY thought, if the clause could be considered as coming within the title of the Bill, his hon. Friend opposite would himself admit that it was not an unjust clause, or one that was not needed. And as the title of the Bill was very wide in its scope, he saw no reason why it should not be fairly considered as coming within its scope.

Main Question put, and agreed to.

Clause brought up, read 1°, 2°, and added.

Another Clause added; Amendments made.

Bill to be read 3° on Thursday.

Bill, as amended, to be printed.

CHARITABLE TRUSTS BILL.

The Bill was read a Second Time.

On the Motion that it be committed on Friday,

CAPTAIN PECHELL said, he observed one object of this Bill was to increase the business of the county courts. Now it was already matter of complaint that the judges and officers of these courts were underpaid, and that even their travelling expenses were not allowed them. He was determined to raise this question on every stage of the present Bill, till the matter was finally settled. The county courts were giving great satisfaction throughout the country, and that satisfaction was every day increasing. Debts were now got in with great facility, cheap justice was brought to every man's door, and therefore he contended that the Government ought to place the officers of these courts in a position commensurate with their great utility and increasing business.

MR. TURNER wished it to be understood that though he had not opposed the second reading of this Bill, he did not agree to all its provisions. It was certainly an improvement upon the Bill of last year, but there were several clauses which, he thought, would require to be modified in Committee.

Bill committed for Friday next.

The House adjourned at Eleven o'clock.

HOUSE OF LORDS,

Tuesday, May 22, 1849.

MINUTES.] PUBLIC BILLS.—*Reported*—Sewers Acts Amendment; Small Debts (Scotland) Act Amendment.

PETITIONS PRESENTED. From Gloucester and Liverpool, and a Number of Places near London, against Seduction and Prostitution.—By the Earl of Stradbroke, from Canterbury, and several other Places, for Protection from unrestricted foreign Competition.—By Lord Brougham, from Yorkshire and Huddersfield, against the Granting of any New Licenses to Beer Shops.—From Stamford, in favour of the Freemen's Lands Bill.—By Lord Redesdale, from the Clergy of Bridport, for the Prevention of the Sale of Tithes.—From Atherstone, for an Alteration of the Poor Rates, and for a System of National Rating.—By Lord Lyttelton, from Chew Magna, for an Alteration in Dispensing of the Educational Grant.

THE RIVER PLATE.

The EARL of HARROWBY said, it would be in the recollection of their Lordships that a short time ago he called attention to the condition of affairs in the River Plate; and upon that occasion the noble Marquess the President of the Council gave an assurance that he had every reason to expect, from the information which he had received, that affairs in that part of the world would be arranged upon a satisfactory basis. Two or three days ago he saw an account in the public papers of some arrangements having been concluded between the English Minister, the French Admiral in that river, and General Rosas, which had been sent home for the purpose of receiving the sanction of the English and French Governments. Of course intelligence of this nature excited the liveliest anxiety upon the part of all persons interested in the question, to know whether the information thus published was correct. If the arrangement referred to was one which Her Majesty's Government was prepared to sanction, they could, of course, have no difficulty in giving that information as early as possible to the parties concerned. Upon the other hand, if that arrangement was not satisfactory to Her Majesty's Government, of course those parties would be inclined to consider that this was only another of those instances, repeated through a long series of years, by which General Rosas had succeeded in evading any decided step towards recognising the independence of the Banda Oriental, in the hope, by protracting it, he should make it impossible, but that, in the long run, that country would not fall into his hands.

The MARQUESS of LANSDOWNE said, he was afraid the only information he could give the noble Earl upon the subject was, that the anticipations he had formerly expressed as to a speedy settlement, were likely to be confirmed. The negotiations, however, had not arrived at that point at which it would be convenient to make

them the subject of a special communication to the House; but he had very little doubt of their arriving at a satisfactory conclusion. The negotiations were still pending, and, until they had closed, the papers could not be produced. He had, however, to express a confident hope that arrangements would be made for a settlement of the question upon a basis satisfactory to the people of this country, and for a continuance of the intercourse between this country and those States.

The EARL of ABERDEEN observed, that the statement of the noble Marquess was calculated to afford no little satisfaction. If, as appeared to be understood, the basis of the arrangement which had taken place was that carried out from this country by Mr. Hood some years ago, before he (the Earl of Aberdeen) left office, he was bound to say he thought it was all which could possibly be required. But he had heard that to that proposal certain modifications had been attached. These modifications might be of little importance, or they might be of great importance, and he was bound to say he had not heard of any apprehensions being entertained with respect to them. As to matters of diplomatic punctilio with such a State as Buenos Ayres, they could be of very little importance; but he would impress upon Her Majesty's Government, that be the modifications what they might, that the independence of the republic of the State of Monte Video was the only condition to which we could attach any degree of real importance. That State was created and its independence guaranteed under British mediation; and we were bound to look to the preservation of its independence, seeing that it was indispensable to the very existence of our commerce in those waters. Whatever, therefore, the conditions might be, or whatever changes might have been made in the proposed convention sent from this country two or three years ago, he hoped the essential independence of this State would be secured. If so, any modifications in the arrangement would, in his opinion, be of very little importance.

The MARQUESS of LANSDOWNE said, that any arrangement would be upon the foundation referred to by the noble Earl; but what qualifications the basis might have received, it was not possible for him to say at present; but he might confidently state it was not probable that the modifications would depart from the basis which had been laid down in any material respect.

SCOTCH EPISCOPALIANS.*

LORD BROUGHAM said, he had now the honour of laying before their Lordships a very important petition, of the presentation of which he had given notice, and which he did not think he could any longer postpone. The subject of it was well deserving the attention of the House. The petition was from a most respectable body of our fellow-citizens, members of the United Church of England and Ireland, settled in, or temporarily resident in, Scotland. Some of their Lordships understood the question much better than he could pretend to do; but the bulk must necessarily be as ignorant of the subject as he was himself until the petition was put into his hands. He hoped, therefore, they would favour him with their attention whilst he made a short preliminary statement. It appeared to him that he should do his duty most satisfactorily to their Lordships, as well as to the petitioners, and therefore most satisfactorily to his own mind, if, instead of reading the petition, which was largely but not diffusely written, and which was admirably drawn up and ably argued, he should state the merits of the case, and so give the substance of the petition as he went along. In so doing he did not profess to state his own opinion, either in favour of the petitioners and their contention, or in opposition to them. Until he was enlightened upon what might be said upon the opposite side, he could not be said to entertain any positive opinion; he might think they were right, "as at present advised;" but it was no departure from this safe rule which he prescribed to himself, if, in mentioning what had taken place, what had been said, and what had been done, he should find any persons had been conducting themselves rashly—if he should find any persons had been behaving in an uncharitable manner, or in an unchristian manner, or in an illegal manner, it would be no departure from the caution he had imposed upon himself, and which he had announced to their Lordships, if he frankly expressed his opinion upon their conduct, rash, or uncharitable, or unlawful, confirmed as that opinion was by the highest judicial authority in the land. He had stated who the petitioners were. They were members of the United Church of England and Ireland, resident permanently

* This debate is reprinted from a special report published by Hatchard.

or temporarily in Scotland. He did not say of the Episcopal Church of Scotland, for there was no such thing. There existed no such church. The petitioners were members of the Church of England, living in Scotland, and worshipping in Scotland according to the ritual of the English Church, believing, or at least professing to believe—for he had no right to go further—in the Thirty-nine Articles of the Church of England, and using exclusively the Liturgy of the Church of England. They used the Liturgy as sanctioned by our Acts of Uniformity, which Liturgy alone any bishop, any priest, any deacon in England could by law use. Not one iota had any bishop, any priest, or any deacon the right to change. But another church was established in Scotland. In that country the petitioners were dissenters; they were separatists there. They had no Established Church there. They were members of the Established Church here, expatriated permanently or temporarily in Scotland. In Scotland, however, they were dissenters and sectaries to all intents and purposes, and nothing but dissenters and separatists. But there was another class in Scotland who were nothing more than dissenters and sectaries, at least just as much as the petitioners were, but who, as he found by the statements laid before him, had at different times taken notions into their heads that they had less of the sectarian and dissenting character about them than the petitioners. He should show their Lordships how false that notion was, and upon what a delusion it was founded. All he had now to do was, to take the two different bodies, and describe their differences as he found them, in order to make his own purpose intelligible. In these respects, however, they did not differ from one another, that they were both sectaries—that both professed the episcopalian form of government—that both were in Scotland—and that neither had the slightest pretence in that country to be considered as established, or as a church. He had told their Lordships, as was the truth, that the first of these bodies, the petitioners, subscribed and held the Thirty-nine Articles, without any qualification; and that, without any alteration in any one iota whatever, they adopted the Liturgy of the Church of England. Not so the other body. They used a Liturgy materially different from that of the Church of England, in the use of which altered Liturgy the petitioners, and those who agreed with them, could not join. They could not use it, nor concur in it, nor approve of it; first, because it was not the Liturgy of the Church to which they belonged; and, secondly, because it contained matter which they could not conscientiously adhere to, or agree in, or tolerate. To tolerate it in practice, God forbid they should refuse; but not as a dogma and as a belief. They preferred to abide by our own admirable Liturgy, but rejected the other. He should afterwards state to their Lordships one or two samples of the matters wherein the difference consisted, and then they would be enabled to see why the petitioners could not coincide in the Liturgy of what was called the Scotch Episcopal Church—a name they had chosen to take upon themselves, but which the Court of Session had deliberately and without hesitation rejected. They are, if they please to call themselves so, an Episcopalian Church in Scotland. The Episcopalian Church of Scotland they are not, and cannot be, for there is no such thing; and a church they only can be in the same sense in which the Baptists or Unitarians in England may call themselves a Baptist or Unitarian Church. The history of these two different bodies was as materially different as their Liturgies. The Scotch Episcopalians had no orders whatever from any bishop, either in England or Ireland, and they could not give any orders. Having no orders themselves, they could give none in that church, though they gave them in their own church, as they called it. The ministers of the other, that was the petitioners' church, using our Liturgy and subscribing our Articles, were all of them ordained by bishops or archbishops of the United Church of England and Ireland. There was also this most material difference in the history of the two. The House was aware, historically, that episcopacy, which never took any deep root in Scotland, being utterly alien to the feelings of the people, was, after ineffectual attempts to force it upon them in the 16th, and subsequently in the 17th, century, finally rooted out by the great and glorious event which took place both in England and Scotland in 1688, the Revolution. At that time, by that event, episcopacy was utterly put down in Scotland, and presbytery established in its room. From the year 1688 to 1712, or thereabouts, the petitioners' church was subjected to great discomfort and even to persecution. Their meetings were interrupted, their chapels were disturbed, their

performance of service was interfered with, and it was difficult for their ministers to continue the discharge of their functions, and for the members of the communion to receive the offices of religion. Accordingly, about the year 1712, a statute—the 10th of Queen Anne, cap. 7—was passed to put an end to these interruptions and persecutions. This statute established for them the full and entire right of celebrating the services of the Church of England according to the Liturgy of that Church: the ministers qualifying themselves in other respects by taking the oaths of abjuration, supremacy, and allegiance. It was not quite correct to say, as this petition does, that the use of the Liturgy was required as a condition of their receiving the protection of the statute, because the Act authorised them, without let or hindrance, to perform the services of the Church, and to use the Church of England Liturgy "if they shall think fit." They had by the Act the right of protection from persecution, and authority to use the Liturgy; but they were not required by the Act to use the Liturgy. If they did not use it, it was upon their own objection. Upon this subject they had a perfect right to act as they chose. So matters went on until the middle of the 18th century. Then occurred the rebellion of 1745. Up to that moment all Episcopalians in Scotland enjoyed all the protection given by the statute of Anne; but a difference had arisen between the two bodies, which he prayed their Lordships to bear in mind. The petitioners adopted the Thirty-nine Articles and the Liturgy; they prayed for the King and the Royal Family in the usual way, and they took the oaths of allegiance, abjuration, and supremacy. But not so the other body. They would take no such oaths: and hence they acquired the name of the nonjuring clergy. They said, "We are good and loyal subjects, but we will not swear; we are Protestants, and repudiate the authority of the Pope, but with the oaths of abjuration and supremacy we will have nothing to do, for we take no such oaths." So they went on until 1745, when, immediately after the rebellion, the 19th Geo. II. was passed. The nonjuring clergy had sown sedition broadcast over the land. The Legislature and the Government would submit to it no longer, and a stringent statute was made, of which he would not trouble the House with the details. The principle of it, however, was as follows: No more than five persons of the Episcopalian body should presume to assemble together to worship in any meeting-house, or private chapel, under severe penalties, unless they would take the oaths and pray for the Royal Family as other loyal subjects did; but if they still continued nonjurors, they were deprived of the right of assembling together to a greater number than five, under the penalty, if clergymen, of imprisonment for the first offence, and transportation for life for the second offence; and if laymen, to other penalties of less severity. This Act proceeds upon a preamble, charging the nonjurors with having been accessories to the late wicked rebellion. Such was the opinion recorded of them by this statute; such was the opinion of them held by King, Lords, and Commons, in the reign of George the Second; and that opinion remained unchanged so long as they refused to take the oaths of abjuration and supremacy, and so long as they refused to pray for the Royal Family, which they continued to do for nearly fifty years afterwards. In the year 1792 another Act was passed, which set forth that the persons in question had become more trustworthy subjects, and that their loyalty was more to be depended upon; but this Act only freed them from pains and penalties for assembling to a greater number than five, on the express conditions, first, that they should sign and take the oaths of supremacy and abjuration; secondly, that they should pray for the Royal Family; and, thirdly, that they should subscribe to the Thirty-nine Articles, and the docquet usually annexed to those articles—a docquet which many persons in these days signed jesuitically, making an affirmation openly with the hands, but protesting against it secretly in their hearts. If they did not sign, if they did not pray for the Royal Family, if they did not take the oaths, then they were to continue subject to pains and penalties, though less severe than formerly. Any priest, deacon, or bishop, (as they called themselves, but they were really not bishops at all,) so refusing, was liable to be punished by fine for the first offence, and to suspension for the second offence from his office for three years. Laymen were less gently dealt with; for, by attending such illegal ministrations, they rendered themselves liable to imprisonment for any period not exceeding two years. Thus they were still kept under strict watch by this Act, although, no doubt, it was a relaxation of the previous severity of the law. But what said the nonjuring clergy to this

Act? Why, it turned out, that though willing to get the toleration, they were unwilling to pay the price; they liked the benefit, but disliked the conditions with which it was accompanied. They, therefore, hesitated about taking the oaths. They continued fencing with the Act and its requirements for twelve years, down to about 1804, when, at length, they intimated that they were perfectly willing to do what the law demanded they should do. But they accompanied that intimation, that report, of their willingness, with a private understanding and reservation among themselves, which he did not hesitate to say was disgraceful to their character, not only as Christians but as honest men. They said privately among themselves, but not to Parliament and the country, that they subscribed to the Thirty-nine Articles, in conformity to the construction put upon them in a book then just published, and which they much patronised, called, *A Layman's Account of his Faith and Practice as a Member of the Episcopal Church in Scotland. Published with the approbation of the Bishops of that Church.* Now, this book made considerable variations from the ordinary and accepted tenor and meaning of those articles. So matters, however, went on, until the year 1840, when his most rev. Friend, the late pious, learned and amiable Archbishop of Canterbury (Dr. Howley) brought a Bill into that House to extend certain privileges to the clergymen of the sectarians—for nothing more than sectarians they were—calling themselves "Members of the Scotch Episcopal Church." This Bill passed. It gave power to any English bishop to license any clergyman of the Scotch Episcopal Church to preach in his diocese for two days or Sundays, and no more; whereas, by the Act of Anne, no such minister could officiate in England or Ireland unless duly registered as a person whose orders had been given by some of the bishops of the United Church of England and Ireland. In fact, the Act of 1840 recognised, in no way whatever, the orders given by Scotch bishops; but it only so far sanctioned them as to permit any of the Scotch Episcopal clergy to officiate for two days and no longer in any diocese in England or Ireland, with the consent of the diocesan.

The BISHOP of EXETER said, the statute of Anne made no recognition of any particular orders. It simply said, "ordained by a Protestant bishop;" but after the rebellion, the law was rendered more strict, and a register was required.

LORD BROUGHAM said, the right rev. Prelate was perfectly correct. The Act of Anne did say, "by a Protestant bishop;" but as the Scotch bishops were no bishops at all, of course their orders were not recognised by the Church of England and Ireland. The Statute of Geo. II. required that persons in orders should be registered: true. But what orders? Why, those granted by English or Irish bishops alone, clearly showing that the law, at least, did not reckon the Scotch bishops as anything very episcopal. He would now come to the matter of the present controversy. It consisted chiefly in this. There was no doubt that the Scotch sectaries, against whom the petitioners complained, who called themselves the Scotch Episcopal Church—which they were not, for they were no church at all—and who only desired, when toleration was asked for them, to be put upon an equal footing with other Dissenters like themselves, in Scotland, no sooner obtained that toleration than they showed what they wanted. They had evidently become desirous to discountenance and put down other bodies, although at first all they wanted was to be made equal to these other bodies. They thereupon proceeded at once to extremities with the other Episcopalians—the petitioners: they stigmatised them as schismatics, and they warned all mankind of the Christian faith to take care how they entered into communion with them, as they formed no part of the mystical body of Christ. In fact, a sentence of excommunication was passed upon the petitioners as nearly as possible by this newly-tolerated sect; and they actually proceeded to enforce it, for he found that in one case, which had been made the subject of legal proceedings, they used language, of which one of the Scotch Judges in the Court of Session, said, "There is, in this sentence" (of synodical denunciation by the *Primus*, as he calls himself—Dr. Skinner called himself the *Primus* of that body which was no church at all) "an excess of language quite unpardonable." But the self-styled *Primus* required his presbyters to publish and declare it from the altar, and to denounce a gentleman for his just and conscientious objections to their garbled liturgy, denounce him in language designated by the highest legal authority as "unpardonable." And when one of them refused, and very properly refused, as he might have been indicted for libel, Dr. Skinner wrote to him a letter of reproof, in which occurred the following gentle and choice phrase, "Your

mulish obstinacy in so simple a matter." This "simple matter" being no less than a sentence of excommunication against a clergyman of the Church of England, who, having subscribed the articles of her faith with no jesuitical reservation, with no secret or hidden interpretation, but in an open, honest, manly, straightforward manner, declined to alter his tenets. Had this Presbyter been less mulish, he might have deserved to be compared with another animal of the mule's kindred; for he would have committed a most imprudent act. "Your mulish obstinacy," continued the *Primus*, as he called himself, "in so simple a matter is extremely silly and vexatious." And then he added, in reference to the appeal made to him by the Presbyter, "If you be not completely stultified, you must perceive how utterly impossible it is for me to listen to any such absurdity." Absurdity! did any one ever hear of such prudent conduct being called an absurdity? Why, he who claimed this authority was no bishop, and his church was no church! They were sectaries, and only sectaries; they were Dissenters and only Dissenters. Why, in 1809, a case was presented to the Court of Session by one of the heads of this sect, in which he called himself the bishop of a diocese. The summons spoke in particular of "the bishop and diocese of Edinburgh," and "the Episcopal Church of Scotland." But the Court of Session refused to recognise any such titles or any such dioceses.* They might, if they chose, parcel Scotland out into four quarters, and arrange them as districts for the furtherance of their own religious discipline, but that would give them no legal territorial jurisdiction. The Court of Session very properly said, "We recognise no Episcopal Church of Scotland; we know of no dioceses in Scotland; we have heard of dioceses in England, but in Scotland there is no such thing. You are Dissenters and Sectaries; you may call your ministers bishops or whatever else you choose, we care not; but dioceses we cannot allow you to have." He did not wish to enter into any argument upon the theological part of the question. Not only was he averse to the introduction of such arguments into the House, but he confessed himself incapable of taking part in such controversies. At the same time he should not be doing his duty to the cause he had undertaken, if he did not attempt to show, to the satisfaction of their Lordships, that there was such a difference between the two liturgies as justified the petitioners in refusing—and constantly and steadily refusing—to use that which the other body sought to impose upon them. This other body did not allow any person to become a dean, priest, or bishop, as they were called, unless they signed the canon which gives "primary authority" to this liturgy—part of which he would presently read to the House. First, he ought to have mentioned that these Episcopalians made canons of their own. They had a sort of convocation, into which no laymen were admitted, in which they made new canons or altered old ones according to their own good pleasure, and he might add, not unfrequently. In the liturgy thus promulgated by the canons, the Communion Office varied most materially from that of the Church of England. He would read one sentence to show the discrepancy between them. In the prayer called the Invocation occurred these words:—

> "Bless and sanctify with thy word and Holy Spirit these thy creatures of bread and wine, that they may become the body and blood of thy most dearly beloved Son."

Not "become to us by faith for our sanctification," but "that they may become"—that was absolutely—"the body and blood of thy most dearly beloved Son." Well, this Episcopalian sect might be quite right, and the petitioners might be quite wrong, for being but a bad theologian at best, he did not wish to enter into that question at all; but he must say, that to those who had a conscientious objection to any departure from the English Church in this particular, it was a good reason why they should not join a communion which used such a liturgy, for if this did not amount to transubstantiation, it was a very, very near approach to it—almost the nearest he had ever seen beyond the Romish pale. They might be, as he had said, quite right, and he and others quite wrong; but all must admit there was a difference between them quite sufficient to give a perfect right to those who joined with the petitioners to say, "We prefer the communion of the Church of England to this variety of episcopacy"—a perfect right, because this was no more a church than any of the other bodies of sectaries in Scotland. He came now to the last subject of complaint urged in this petition. It was a practical grievance. When a

* Case of Bishop Abernethy Drummond *v.* James Farquhar, July 6th, 1809.

parson ordained in England or Ireland, went back to England, after having been a resident in Scotland, if he belonged to the body of Dissenters which used the erroneous liturgy—that was to say, the liturgy which differed from that of the Church of England—the legitimate descendants of the nonjuring clergy, of those who had been stigmatized with sedition and rebellion, and punished accordingly in 1745—the legitimate descendants of those who, declaring themselves loyal subjects, hesitated from 1792 to 1804, twelve years, before they would take the oaths of allegiance and supremacy, and who eventually subscribed to the Thirty-nine Articles with a secret reservation—if such a parson brought a certificate from a Scotch bishop—who was no bishop at all—he was received by the bishops of this country and at once licensed to officiate, and if presented to a living, he was immediately inducted. Some bishops, however, had one rule and some another. Some would not grant a license to officiate in their dioceses, and would not induct, unless the clergyman brought with him a certificate from a Scotch bishop. Therefore, if they had belonged, in Scotland, to the communion of the petitioners, and had refused the garbled and altered liturgy, clergymen could not, in those dioceses, obtain a license to officiate, and could not be inducted. This was what the petitioners complained of. Some bishops would, and some would not, license. The rule of the latter was felt to be a great hardship, inasmuch as it prevented the petitioners, who could place themselves under no other clergymen, from obtaining ministers from England, unless they were prepared to give up the idea of returning to England at any future time. He should now conclude as he had begun, by admitting that the statement he had make was necessarily *ex parte;* but if any satisfactory reply or explanation could be given to it, he should willingly receive and give full weight to it. His mind was made up on neither side. He had given a statement of the case as it had been presented to him, and the petitioners might, as he had repeatedly said, be quite wrong, and the other sectaries might be quite right. All he had sought to do was to perform the task he had conceived it his duty to undertake in a clear and intelligible manner, though he feared he had not been so brief as he might have wished. He could not, however, conclude without stating that he grieved to find two respectable bodies—for he knew they were both respectable—of Dissenters in the sister kingdom, who had so much in common, at variance upon points so interesting and so important to conscientious minds. He must also say, that he wholly disapproved of that asperity of language which had received, justly, the censure of the Court of Session. Far be it from him to ask the House to declare which of the disputants was right, and which wrong. That never ought to be, as it was not, the office of Parliament. He grieved to find that our excellent Church in Scotland should have this quarrel among her sons. It would be much better for both bodies to come to an understanding, and be so united as to have no differences in doctrinal opinion or creed. He could not, however, say his expectations were very sanguine of such a happy consummation ever taking place. His fears in this respect did not arise from a belief that insurmountable differences of opinion existed between them. On the contrary, the light thrown upon the history of churches and of creeds, in the records left by authors of past times, the light obtained from careful study of the bygone deliberations of Parliament, the light shed by the researches and disquisitions of modern authors—and among the most able and the most recent was his noble Friend upon the cross benches (the Duke of Argyll) who had given to the world a learned, able, and interesting work upon the subject, though not on points immediately connected with this case—disposed him to think that nearness to identity of opinion upon such subjects was not the most essential element of peace and concord. He was disposed to believe, that, far from the zeal of conflicting sects—far from the asperities of contending theologians, being proportioned to the distance of their several points of belief from one another—rather, as though these moral forces obeyed a law of nature like that of gravitation, which operated in an inverse proportion of distance—the fiercest and bitterest strife would too often be found where the space between the rival tenets was the smallest. He hoped this would not now be the case. He trusted this schism would soon be healed. No man more loved or revered our Anglican Church than he did. From all the experience he ever had, judicially, and as a student—from all he had ever read or known of other churches and of Dissenters—he believed the Church of England was, of all

communions, the one which combined, at once, the most exalted talent, piety, and learning, with the greatest amount of toleration—a praise which even Dissenters allowed; and he could not help feeling, in regard to this venerable Establishment the most profound respect, the most sincere admiration, and the warmest affection. The noble and learned Lord concluded by reading the prayer of the petition, as follows:—

"May it, therefore, please your Lordships to provide that all clergymen of the Church of England or Ireland, on being appointed to English chapels in Scotland, may be inducted to the charge of their congregations, simply as such, either by His Grace the Archbishop of Canterbury, or by the respective bishops from whom they received ordination, whether in England or Ireland:

"Or may it please your Lordships to sanction and recommend periodical visitations of English congregations in Scotland by certain bishops of the Church of England and Ireland—not as legally exercising any territorial jurisdiction in Scotland, but as ecclesiastically exercising their episcopal functions in the congregations which stand in need of their assistance, especially in the ordination of ministers and the rite of confirmation:

"Or may it please your Lordships to adopt any other course of proceeding which to your Lordships may appear most expedient, for the purpose of placing your petitioners on such a footing in this country as to give them all the advantages of the discipline of their own Church."

The Bishop of SALISBURY greatly regretted that they had not on this occasion the advantage of the presence of that right rev. Prelate (the Bishop of London), at whose request the noble and learned Lord had been good enough on a former evening to postpone the presentation of this petition. Had that right rev. Prelate been present, he would have been able to address their Lordships with his usual clear and convincing eloquence, and with that authority to which his experience alike and his great abilities entitled him, and to which he (the Bishop of Salisbury) was aware that he had himself no claim. But his right rev. Friend being unavoidably prevented from being present, owing to important business in his own diocese, had requested him to state, on his behalf, his dissent from the prayer of the petition before the House; and in doing this, though it would be his wish to confine his observations within the smallest possible compass, he trusted to be able to adduce some reasons why their Lordships should not acquiesce in the view of the subject which had been taken by the noble and learned Lord, or grant the request which he had preferred on the part of the petitioners. He begged, however, in the first place, to assure the noble and learned Lord, that he concurred most heartily in the observations with which he had closed his address, as to the great importance in the discussion of all subjects—and especially in the discussion of those of a sacred nature—of laying aside all feelings of bitterness and acrimony. He agreed, also, with the noble and learned Lord in deploring the differences which unhappily existed on this subject among the members of the Episcopal Church in Scotland, though he believed that those differences did not prevail by any means to the extent the House might have been led to suppose from the speech of the noble and learned Lord. Neither did he dissent, in any material respect, from the recapitulation, which their Lordships had heard, of the Episcopal Church in Scotland. It was true that that Church did not enjoy any of those advantages of outward condition which were in this country attached to the Church as established by law. It was neither endowed with wealth, nor dignified with the honours of worldly state. It was, undoubtedly, a dissenting body, and had no fixed *status* by law. It was now only tolerated; and till protection was extended to it by the statute to which the noble and learned Lord had referred, it was the subject of a proscription and persecution to which no other religious community was in that country exposed. But while he thus gave his assent to much that had been said as matter of history by the noble and learned Lord, he was not prepared to acquiesce in the inference he drew from this, or to admit that, because the Episcopal Church in Scotland was not endowed or established, it was, therefore, no church at all.

Lord BROUGHAM: No, no!

The Bishop of SALISBURY: Again and again the noble and learned Lord had said it was no church, that its bishops, were no bishops, and that as a church it had no existence at all. According to such a rule, the church of Christ did not exist at all before it was endowed and established by Constantine. According to this, that church which they had been accustomed to trace back to the days of the presence on earth of the Redeemer of mankind did not exist in the world before the fourth century. It was surely hardly necessary to disprove such a proposition as this. The church of Christ existed in the world from the days of the Apostles, when it was per-

secuted and reviled everywhere, long before it was established anywhere by law. It existed when confined to the upper chamber at Jerusalem; and by the power of the Spirit of the Lord had spread abroad and established itself in the hearts of men, and had overcome the world without the aid of those external supports in which the noble and learned Lord appeared to consider its very existence to consist. Why, according to this argument, the church in the present day could have no existence at all in those countries in which it was not endowed and established by law. It could not, for instance, have any existence at all in the United States of America, where, nevertheless, we were happy to see a church which we acknowledged, and which was intimately connected with our own Church, existing, and flourishing, and widely spread, although altogether independent of any support from the civil power. He could not conceal his surprise at the statement of the noble and learned Lord in this respect. It was also true that from the reign of George the Second down to 1792, the Episcopal Church in Scotland was under the proscription of the law; but that proscription did not arise from anything in the religious tenets or ecclesiastical character of that Church, but from the political opinions which were generally prevalent among its members; and because it was unwilling to give to the civil government those pledges of its loyalty to the established order of things which were required as the condition of protection to be extended by the State. Harsh as were the laws under which the Episcopal Church in Scotland lay during the greater part of the eighteenth century, it was impossible to deny that there was much in the prevailing sentiments of that body during that time to account for, if not to justify, them. But before the close of that century these reasons ceased: and from the time that the members of that Church professed the same allegiance with the rest of their fellow-subjects, those restrictions had been removed, and that protection had been fully and freely extended to them which the law conferred upon all other religious bodies. The noble and learned Lord had corrected one misstatement in the petition, namely, that the 10th of Queen Anne prescribed the use of the Liturgy of the Church of England as a condition of the toleration extended to the members of the Episcopal communion in Scotland; but as this was one of the points on which the petitioners appeared very much to rely, he would take the liberty of again directing their Lordships' attention to it, and of quoting the words of the statute itself in order to show that there was not a shadow of ground for any such assertion; but that the Act in question left the members of the Episcopal Church in Scotland free to use either the Liturgy of the Church of England, or such other form of worship as they might prefer, without in any degree forfeiting by such diversity the protection extended to them. The words of that statute were as follows:—

> "It shall be free and lawful for all those of the Episcopal communion to exercise their own form of worship, performed after their own manner by pastors ordained by Protestant bishops, and to use the Liturgy of the Church of England if they shall think fit."

Such were the terms of the statute, and by these terms they were free to use or to refuse, as they thought fit, the Liturgy of the Church of England. And in speaking on this subject he would further remark, that while it was very natural for us to most value the Liturgy to the use of which we had been accustomed from our earliest youth, and while there was in all well-constituted minds a becoming prejudice in favour of forms associated in our memory with many holy and endearing recollections, he was sure the noble and learned Lord was far too well versed in the history of the Church to give any sanction to the idea that an identity of liturgical forms was in any way a necessary condition of church communion. Their Lordships were well aware that even in the same church there used to be in former times scope for a much greater diversity in this respect than existed now under the more stringent regulations of modern legislation. In our own country, before the Reformation, a member of the Church removing from the northern parts of the island to the southern, would have been thereby necessarily obliged to the adoption of some differences of liturgical form, as in the former the observances of the Church of York generally prevailed, whereas the southern dioceses generally adopted the use of Sarum, the liturgical formularies of which Church had obtained great celebrity and wide-extended prevalence, owing to the care with which they had been arranged and ordered by Osmond, his great predecessor in that seat which he had now the honour, however unworthily, to fill. It was, however, true, that differences of liturgical forms might

express essential differences on vital doctrines of the faith; and if this were the case, an obstacle to communion would then undoubtedly exist. He felt that the observations of the noble and learned Lord, as to the unsuitableness of that place for the discussion of this portion of the subject, were very just: and he would rather be guided by the judgment of the noble and learned Lord in this respect, than tempted by his example to enter upon a discussion in detail upon topics upon which, from the sacredness of their character, it was painful to speak in an assembly of that kind. He would, therefore, content himself with saying, that men of the highest character in our own church, men second to none in Protestant zeal and purity of faith, had, on a most careful and diligent investigation, even given the preference to the Scottish Liturgy over our own. He would content himself with declaring his own belief that the Scotch Liturgy expressed no doctrine discordant from the doctrines set forth in the articles of our own Church. And on this subject, on which many misrepresentations were now made, and very erroneous ideas were afloat, it would, he thought, be satisfactory to their Lordships to hear what was the deliberate opinion of one of those clergymen who were mainly concerned in that movement of which this petition was the result. He had in his hand an extract from a letter addressed by one of those gentlemen to the late Bishop Russell, which, with the permission of their Lordships, he would take the liberty of reading to the House. In that letter the reverend gentleman said—

"The canons I have now examined. I took the precaution of reading them before I examined any controversial writings bearing on the subject. The result was acquired without the slightest difficulty. I must frankly say, that inasmuch as they relate only to discipline and not to matters of faith, and inasmuch as they cannot compel me to adopt in my own church the communion office, a clause which I decidedly hold to be objectionable, as likely to disturb weak minds, I shall have no hesitation in affixing my signature, and I will endeavour, when opportunity offers, to assist in suppressing the outcry that has been so unadvisedly raised. In my own judgment I think the objectionable clause in the communion office is explained by other portions of the service, even as certain strong phrases in the English office are in like manner qualified."

These were the sentiments on this subject of one of the chief promoters of the present agitation, and with them he thought he might dismiss this portion of the case. And with reference to the question of the expediency of such interference as was called for by the petitioners, he thought it desirable that their Lordships should know, and bear in mind, that the petition did not in truth represent the feelings of the clergy and laity of the body said to be aggrieved, in the degree that might be imagined from the speech of the noble and learned Lord. The facts were, he believed, correctly stated in a paper which had been placed in his hands. This paper said—

"The Episcopal Church in Scotland consists of about one hundred and eight congregations, under the ministry of seven Bishops, and somewhat more than a hundred Incumbents. Of these Incumbents, thirty-three are of English or Irish ordering. They removed to Scotland, it is believed, in all cases, with a cordial adherence to the doctrine and discipline of the United Church of England and Ireland, certainly with the knowledge and sanction of the Bishops under whom they were previously serving, and with a belief that they were moving from one branch of the Catholic Church to another, differing only in this, that the one is established, the other merely tolerated.

"They were, indeed, aware that in some Scottish congregations a Communion Office was used differing from that in the English Prayer Book. But as they saw nothing in the Scottish Office contrary to the truth of Scripture; as they knew that it had received the explicit approbation of some of the most distinguished theologians in the English Church; and, finally, as they knew that its use could not, consistently with the practice, be enforced in any congregations preferring to use the English office, they did not consider this diversity of office as constituting any impediment to their union with the Scottish Episcopal Church, and their dutiful submission to the Scottish Bishops.

"About seven years ago, a clergyman in Edinburgh renounced the authority of the Bishop of that district, and his connexion with the Episcopal Church; and he has since been joined by two clergymen previously in connexion with the Scottish Episcopal Church, and by three clergymen from England. There appear to be two other English clergymen officiating in Scotland unconnected with the Scottish Episcopal Church, but also unconnected with the six clergymen just mentioned, and opposed to the application for Episcopal superintendence from England.

"Under these circumstances, it seems that the clergy of English Orders in Scotland would be placed in a very painful position were any English or Irish Bishop to appear among them, assuming and exercising Episcopal functions. They would be forced to consider whether the church in which they had been educated and ordained were not in this matter violating one of the fundamental laws of the Universal Church. And it is worthy of consideration, that the same question might agitate the minds of many faithful members of the United Church of England and Ireland residing in those parts of the empire, who hold that Episcopal government in matters purely spiritual has a foundation of right, which no human law can either give or take away. While, then, six clergymen and six congregations might be relieved by

the ministrations of a prelate from England or Ireland, it is to be considered that such ministrations would deeply aggrieve a much larger body of clergymen, and a much greater number of congregations now living in peaceful submission to their several diocesans; and that, by all the Scottish bishops, and all the indigenous Episcopal clergy, such ministrations would of course be considered as possessing no ecclesiastical authority whatsoever.

"Finally, it may be well to remember that the relative position of the Church of England, and the colonies of the empire, can supply no guide or analogy for her ecclesiastical relations with Scotland. Scotland never was a colony of England. Scotland possesses an Episcopal Church recognised by Act of Parliament as in communion with the Church of England; and the constitution has so carefully secured her National Establishment as to make it very doubtful whether any jurisdiction in Scotland could by law be now conferred upon any bishop, without a violation of the Treaty of Union."

He trusted, then, that their Lordships would do nothing whereby the Episcopal Church in Scotland might be wrongfully attacked or injured—a church not the less worthy of respect, because it was not established by law. And on the subject of the introduction of English bishops, he wished to bring to their Lordships' recollection the words of a prelate deservedly held in the highest estimation—a prelate who was one of the brightest ornaments of the episcopal bench. Bishop Horsley, in the debate upon the passing of the Act for the relief of the Scottish Episcopalians, in replying to the Chancellor of that day, Lord Thurlow, said—

"My Lords, with respect to the interests of episcopacy in Scotland, my opinion is unfortunately the very reverse of that of the learned Lord. The credit of episcopacy will never be advanced by the scheme of supplying the episcopalian congregations in Scotland with pastors of our ordination; and for this reason, that it would be an imperfect, crippled episcopacy that would be thus upheld in Scotland. When a clergyman ordained by one of us settles as a pastor of a congregation in Scotland, he is out of the reach of our authority. We have no authority there: we can have no authority there: the Legislature can give us no authority there. The attempt to introduce anything of an authorised political episcopacy in Scotland would be a direct infringement of the Union."

And while the noble and learned Lord stated that evening, and stated erroneously, that there were no such persons as bishops in Scotland (although he spoke correctly when he said there were no bishops endowed and established by law), he might have gone further, and might have added, that not only was it the case that there were not now in Scotland any bishops such as those to whom alone he was willing to attribute that character, but that according to the constitution of the realm there could be none such; for that the Act of Union prevented any bishops from being established by law in that country, and therefore that to grant the prayer of the petition would be directly to infringe this fundamental Act of the Union of the two kingdoms.

LORD BROUGHAM observed that the petition did not call for the establishment of bishops.

The BISHOP of SALISBURY said, that he had observed that the noble and learned Lord had been somewhat unwilling very distinctly to state what was the prayer of the petition of which he was the advocate. The reference he had made to it had appeared to be drawn from him somewhat reluctantly: and when he was obliged to read the words, he could not help admitting that the main point for which they asked was very objectionable. And now he seemed to wished to put upon the petition a construction different from that which the words of it must necessarily convey. He would, therefore, state more distinctly to their Lordships the precise words in which that prayer was conveyed. The words of the petition were that "all clergymen might be inducted either by the Archbishop of Canterbury, or by the respective bishops from whom they received ordination;" or that the House would "sanction and recommend periodical visitations of the English congregations in Scotland by certain bishops of the Church of England and Ireland—[Lord BROUGHAM: Read on]—not as legally exercising any territorial jurisdiction in Scotland, but as ecclesiastically exercising their episcopal functions in the congregations which stand in need of their assistance." Now any authority which could be given through the instrumentality of their Lordships' House, either for the institution of clergy by English bishops into cures in Scotland, or for the visitation by such bishops of congregations and clergy in that country, could only be by legislative enactment, authorising and confirming by law the exercise in that country of episcopal jurisdiction; and this, he must contend, and he was certain that the noble and learned Lord could not deny, would be a plain and direct infringement of the Act of Union; and in reference to this portion of the subject, he could not but say that, while he was sensible that far higher considerations were involved in this question than those

arising from the enactments of human law, it was nevertheless the case, that as being himself the minister of a Church endowed and established by the law of the land, he felt it to be his bounden duty to desire to deal very carefully and respectfully with the rights and privileges of those who in this respect stood upon the same foundation as the Church to which he belonged. Other considerations, however, there were, which came home to his feelings more strongly than these. On other grounds he had no hesitation in expressing the sympathy he felt for a church in the situation of the Episcopal Church in Scotland. It did not forfeit its title to our respect, because it was not endowed or established by law. He felt sympathy with it as being a church holding in purity all the fundamental verities of the Christian faith. He felt sympathy with it as being a church which had maintained through almost unexampled difficulties the true form and constitution of apostolic polity. He did not indeed assert that in it no errors or blemishes in doctrine or discipline could be found. It was not reasonable to ask for this; for infallibility and immunity from error was a claim which he would not put forth either on behalf of that church or of his own. He loved and honoured the Church to which he belonged, and of which he was a minister, and he valued the liturgy which it was his privilege to use. He prized it as much as any, and perhaps more than some, who now came forward to claim credit for its exclusive use. But if everything which might be alleged against the Church of England were to be dragged before their Lordships with the same perverse ingenuity with which defects had been sought in the sister Episcopal Church in Scotland, he was far from sure that a case might not be stated to their Lordships which would place the Church of England in a light not less invidious than that in which it had been the endeavour of some persons of late to hold up the Episcopal Church in Scotland to reprobation and contempt. But he at least would not scruple to say that he deemed the Church in Scotland to be entitled to the affection and respect of the members of the Church in this country. He, for one, would be no party to an unjust and ungenerous attack upon its rightful privileges, or its character as a pure branch of the Catholic Church. And whatever might be the aberrations of judgment or feeling in individual minds, he thought he might venture to assert that it was not on grounds like those which had that night been stated in their Lordships' House, that the great body of his right reverend brethren—that the great body of the clergy and laity of the Church of England—or their Lordships' House, would place themselves in an attitude of hostility towards a church which had, by a solemn Act of the Legislature, been recognised, as in communion with themselves.

After a few words from the EARL of SUFFOLK, who complained of a debate upon the presentation of a petition,

The ARCHBISHOP of CANTERBURY addressed the House as follows:—My Lords, the last words of my right reverend Friend, in the excellent speech which he has just delivered, will afford the best opportunity of offering to your Lordships the few observations which I think it necessary to make on a subject which I regret should have been brought before your Lordships at all. For it is necessary that I should enter my protest against one proposal of the petitioners, which would place them under the jurisdiction of the Archbishop of Canterbury. My Lords, we all think more of our successors than of ourselves; and I will not allow my successor in the see to find Scotland added to his province, in addition to the duties which are already prepared for him. My Lords, I agree with my right reverend Friend in the sympathy which he has expressed for the Episcopal Church in Scotland, as a church with which we are in communion; and I regret that they who are united in their attachment to the same Episcopal government should not be united in the same body. But I also feel a sympathy with those clergymen of our Church who, on removing into Scotland, are invited to subscribe to a different set of canons from those which they subscribed at their ordination. I feel a sympathy with those, who, having once declared their consent to the Liturgy of the United Church of England and Ireland, are unwilling to conform to a Liturgy different from that, in at least one, as it appears to me, important particular. I also feel a sympathy with those members of our Church who, residing in Scotland, are naturally desirous of enjoying the ministration of clergy whose sentiments are identified with their own. Having these views, my Lords, I shall remove one grievance complained of by the petitioners as far as concerns myself; and if any clergy circumstanced like themselves should be pre-

sented to a benefice in my diocese, I shall not scruple to receive him, without waiting for a mandamus, if he brings a sufficient testimonial of conduct and orthodoxy.

The BISHOP of WORCESTER fully concurred in the prayer of the petition. He could not conceive that it was the intention of the Legislature, when by the Act of 1792 they granted toleration to the Episcopal Church in Scotland, to place members of the Church of England residing in Scotland in a worse position than they were before the passing of that Act. They then had a distinct *status*, acknowledged by several Acts of Parliament, and were frequently visited by English bishops, who performed episcopal offices among them. Why, then, should they be placed in a worse position because additional privileges were granted to another branch of the Episcopal Church? Knowing the important business which was expected to come before the House that evening, he would not detain them further, except to say that he fully agreed in the sentiments of the most rev. Prelate who had just addressed the House, and should be happy to admit into his diocese any clergyman who had been officiating in Scotland, and who brought with him the usual testimonials of conduct and doctrine, although such testimonials might not have been countersigned by a Scotch bishop. He had further to add, that he had been requested by a right rev. Prelate, the Bishop of Norwich, who had just left the House, to express his full concurrence in all the sentiments which he had ventured to express.

LORD BROUGHAM was gratified to hear what had fallen from the two excellent Prelates who had just spoken. The grievance was, that the practice of the English bishops was not alike, and that clergymen in the predicament of the petitioners were driven from one diocese to another. No clergyman could be inducted to a benefice in one diocese by the bishop of another. If, for instance, a clergyman had a living presented to him in the diocese of Exeter, the Archbishop of Canterbury could not induct him. He must go to the bishop of the diocese in which the living was situate; and that bishop might think it his duty not to induct him. This was a practical grievance. He trusted, however, that the public declaration of the most rev. Prelate would go far towards removing the grievance.

The DUKE of ARGYLL said, no one could feel more strongly than himself the difficulty and inconvenience of discussing subjects of this nature in such an assembly as their Lordships' House. Touching, on the one hand, upon questions which their Lordships might be called to decide in their judicial capacity; and, on the other, upon questions of religious principle, concerning which he feared no great unanimity of opinion could be expected in the House; it was very difficult to pursue a middle course, and to keep to those great general principles which could alone be satisfactorily appealed to in such a case. Nevertheless, their Lordships would remember that, as one branch of the Legislature, it was their undoubted right, and it had frequently been their duty, to legislate upon the ecclesiastical government of the English Church. They could not, therefore, be surprised if English clergymen, ministers of the Established Church living in Scotland, and suffering, as they conceived, under a great grievance, addressed to their Lordships such petitions as that presented by the noble and learned Lord. The particular grievance of which these petitioners complained, had been somewhat overlooked and underrated by the right rev. Prelate (the Bishop of Salisbury), who spoke on behalf of the Bishop of London. That grievance he conceived to be this, that when English clergymen officiating in Scotland, may, from any cause, have incurred the displeasure of the bishops of the Scotch Episcopal body, difficulties were cast in their way on their return to England by those prelates of the English Church who sympathised in opinion with the Scottish bishops. He earnestly hoped, however, that this grievance would now be remedied by the excellent and truly Christian speech of the most reverend Prelate (the Archbishop of Canterbury), and that the example which he, in his exalted station, had set, would be followed by all the right rev. Prelates round him. If such a course were followed, the grievance of which the petitioners complained, or which at least they dreaded, would be done away at once and for ever. If English clergymen, officiating in Scotland, who refused to connect themselves with the Scotch Episcopal body, found there was no real barrier, raised in consequence by the diocesans of their own Church against their return to England, he did not think the petitioners would be disposed to ask their Lordships to sanction any territorial interference by the bishops of the Church of

England upon Scotch ground. But that it was a real grievance which had driven the petitioners to approach that House, he would satisfactorily prove to their Lordships by a short statement of certain facts which had recently taken place. A clergyman of the English Church (the Rev. Sir W. Dunbar) who, he believed, had been ordained by the Bishop of London,* had, for some time, been officiating in Scotland as the minister of one of the congregations of English Episcopalians, not in connexion with the Scottish Episcopal Church. He and his congregation evinced a disposition to join the latter, the bishops of which, anxious for the union of the Episcopalians in one body, made overtures to that effect. They agreed to unite upon certain conditions which were put upon paper, and one of these was, that Sir W. Dunbar and his congregation should be entitled to use exclusively the Liturgy of the Church of England. He (the Duke of Argyll) would not enter into the question whether these conditions had been infringed or not, since this might come before their Lordships in another shape; but whatever might be the merits of this case, the Rev. Sir W. Dunbar and his congregation conceived that the conditions of union had been infringed by certain acts on the part of the bishop under whom they had conditionally placed themselves, and thereupon, as they had an unquestionable right to do, he and his congregation separated themselves from the communion of the Episcopal Church in Scotland. Now, what was the course pursued? The Bishop of Aberdeen, who called himself the *Primus* of Scotland, Dr. Skinner, then published, not only in his own "diocese" or district, but all over the Christian world, the document referred to by the noble and learned Lord (Lord Brougham), a document which had been condemned by the highest judicial authority in Scotland, as containing language that was "unpardonable." This letter of excommunication, for such it was, would come before their Lordships in their judicial capacity. Sir W. Dunbar appealed to the Court of Session, as he conceived that the publication of this paper was in the nature of a libel. The Court of Session had not actually found that it was a libel, but they found that the document was one which ought to go before a jury for its decision. Bishop Skinner then appealed against this judgment to their Lordships' House, and their Lordships would have to decide whether the question should be referred for damages to a jury or not. An excommunication in one sense, indeed, Bishop Skinner had a perfect right to issue: he had a right to declare that the connexion of Sir W. Dunbar with his own body had ceased. But this was not the character of the document which he issued. It was one, published over the united kingdom, intimated to the Archbishop of Canterbury, and sent even to the United States of America, purporting to deprive Sir W. Dunbar of the name and office of a minister in the Christian Church. Such a proceeding was justly held to be unwarrantable; and if supported by the prelates of the English Church, would be a great and intolerable grievance. He (the Duke of Argyll) was not one of those who were desirous of seeing the episcopal jurisdiction of the English bishops established in Scotland, as was prayed by the petitioners. On the contrary, he thought it would be unnecessary and inexpedient; but the petition contained an alternative, namely, that their Lordships "should adopt any other course of proceeding which might appear most expedient for the purpose of placing the petitioners on such a footing as to give them all the advantages of the discipline of their own Church." It was not for him to suggest the measures to be adopted for this purpose; but he trusted that the excellent example of the most reverend Prelate at the head of the Church would be sufficient for the purpose. The right rev. Prelate who had spoken on behalf of the Bishop of London (the Bishop of Salisbury) had denied the allegation of the noble and learned Lord, that the Scottish bishops were not bishops because they were not established; and he contended they were, notwithstanding, true bishops of the Christian church. He (the Duke of Argyll) acknowledged them to be so. He did not maintain that a church not established by law, was therefore not entitled to the character of a church; neither did he hold that a church not established was, therefore, not entitled to exercise spiritual jurisdiction: on the contrary, he maintained that every body of Christians had the right of spiritual jurisdiction over its own members, so far as that jurisdiction was exercised by their own consent; but he most emphatically denied the right of any body to excommunicate a clergyman who did not belong

* Sir W. Dunbar was ordained by the late Bishop of Bath and Wells, in 1832.

to its communion. And that really was the question raised by the petitioners. The right rev. Prelate (the Bishop of Salisbury) had also argued that differences in the liturgical services of two churches was no necessary bar to their communion. There also he (the Duke of Argyll) had the happiness to agree with the right rev. Prelate. He could well conceive churches differing greatly in many points, yet holding nearest communion with each other. It might be perfectly true also, as the right rev. Prelate had asserted, that many excellent and able members of the Church of England had seen no objection to that communion office which had been quoted by the noble and learned Lord (Lord Brougham). But it remained equally true that many other men, equally able and equally excellent, had been of a different opinion. This was a point on which every man was entitled to act on his own views; and it was not only the right, but he (the Duke of Argyll) conceived it to be the duty of the right rev. Prelates of the Church of England to protect every member of their own Church, who conscientiously clung even to the very minutest words of her established liturgy, and refused to adopt or even to use another. If he were to speak on behalf of the body to which he belonged, the established branch of the Presbyterian Church, or of that to which his noble Friend the noble Marquess near him belonged (the Marquess of Breadalbane), the Free Church, he should say that they took no interest whatever in this dispute. It was to them a matter of perfect indifference whether the prayer of this petition was attended to, or disregarded, by the right rev. Prelates. They would hardly care if the Legislature should give, or attempt to give, a territorial jurisdiction in Scotland to the right rev. prelates of the Church of England. No such jurisdiction could be given by any law, except as over those who might choose voluntarily to submit to it. The days were now passed when the excommunication of any bishop, or of any presbytery, could have any effect whatever, apart from the solidity of the grounds on which sentences might proceed. Those were not the days when a Roman Catholic Peer of England (Lord Beaumont) could declare that the thunders of the Vatican itself were henceforth as harmless as the thunders of the stage—those were not the days when the world could feel any very great alarm from the thunders of such powers as Bishop Skinner of Aberdeen. It was not, therefore, on behalf of Presbyterians that he took any part in this debate. But if he could conceive one blow heavier than another—one discouragement greater than another to the cause of Episcopacy in Scotland, or elsewhere, that "heavy blow and great discouragement" would be found in this—that bishops should be seen acting under the influence of so strong an *esprit de corps* as to support each other in the claim of an exclusive territorial jurisdiction, without reference to differences of religious faith—that was to say, without regard to the interests of truth—and in manifest, open contempt of the indisputable rights of the ministers and members of their own communion.

The BISHOP of EXETER said, he felt greatly obliged to the noble Duke, who, while he professed to be utterly indifferent in the question, as affecting a Church to which he did not belong, nevertheless thought proper to give some little advice to the right rev. bench, as to the best mode of maintaining Episcopacy in Scotland. In all frankness, however, he must tell that noble Duke that, on such a matter, he was one of the last persons whose advice he should be inclined to seek or follow. In saying this, he was quite ready to give the noble Duke credit for the ability and kindness which he had testified on this occasion; but as for advice, that could usefully be given only by one who had sympathy and communion with those whom he advised. The noble Duke had said that the time was gone by when bishops might hope to influence the world by the terrors of an excommunication issued for no just cause. He (the Bishop of Exeter) was quite content that those times should have gone by for ever—he hoped that the time would never return when an excommunication without just cause should have any effect or influence. He would go further; he would express now what he had before expressed in that House, and had also expressed publicly to his clergy, his earnest wish that excommunications of the Church of England, even for a just cause, had no temporal effect whatever. He was averse to everything of that kind, and would rejoice to support any measure, from whatever quarter it might proceed, which would rescue the sentence of excommunicatiom from the contumely under which it now laboured, of being an instrument of consigning persons to a gaol. But in saying this, did he

mean to underrate the importance of excommunication? Far from it. The noble Duke might think little of such a sentence, even when inflicted for a just cause; but he would assure him that this was very far from being the way in which it was regarded by Churchmen. By them, by members of the Church of England, he could assure the noble Duke, if he did not already know it, excommunication proceeding upon right grounds was regarded as a far heavier punishment than any which temporal law could inflict. If any of the clergy who have joined in this petition have been excommunicated justly, and on right grounds, he earnestly hoped it would please God to bring them to repentance, and thus save them from the awful consequences of their sinful perverseness. He would gladly have abstained from offering these remarks, but they had been extorted from him by what had been said by the noble Duke.

They had heard something of "the question before the House;" but he must say that this was a very inaccurate mode of speaking. There was no question before the House, and it was ludicrous to speak of any such question. The petitioners themselves had disclaimed all present intention of raising a question; for in a paper which had, he believed, been distributed among their Lordships on that day, a copy of which he had himself received, they honestly avowed that, although in the petition they prayed for the induction of clergymen to charges in Scotland by English bishops, they did this only for the purpose of raising a discussion. As such only was their purpose, he could not but congratulate them on the success of their movement; they had raised a discussion; and thus they were the most successful of all the parties who heaped petitions on their Lordships' table; and he heartily wished that the petitions which had been presented to that House from hundreds and thousands of their countrymen during the last week, on a question which those petitioners felt to be of vital moment to them, had been equally successful. If they had, there would be at this moment much more of contentment and tranquillity in the country than he feared existed.

The petitioners had called themselves by a title to which, he must take leave to say, they had no right whatever. They called themselves members of the Church of England residing in Scotland. This was altogether a misnomer; there are no "members of the Church of England residing in Scotland;" there could not be any. He did not mean to say that there might not be members of the Church of England passing into Scotland for temporary purposes, who continued members of that Church, even while they were in Scotland; but if they were settled in Scotland, whether natives of that country, or natives of England or Ireland, who had fixed their domicile in Scotland, and were permanently residing therein, he could not recognise such persons as members of the Church of England. He said this openly, in the presence of an unusually large number of his right reverend brethren, whom he rejoiced to see in their place on this occasion, and he earnestly entreated their attention to what he was then saying. He did not anticipate that any one of them would differ from him on the principle which he set forth; but if any one, or more than one, did differ from him, he hoped they would declare that difference, and prove him to be wrong, if they indeed held him to be so; that they would not, from any false delicacy towards an erring brother, forbear from expressing their condemnation of his doctrine if it were unsound. He declared, then, that residing out of the limits of the Church of England there were no members of that particular church. The Church of England is a local church; a branch, indeed, of the holy Catholic Church, and therefore all its members are in communion with the members of every other branch of the Catholic Church, and fellow-members with them of the Catholic Church. But beyond its limits the Church of England, as such, has no authority, no existence whatever. If members of that Church pass beyond its borders into the country of another particular Church, the Church of Scotland, for instance, as in this case, they are bound by their duty as Catholic Christians to conform to the rules of the Church within whose limits they find themselves. They are bound to this obedience, even if they are merely passing travellers; much more if they are permanently resident, whether born in the country, or denizens therein. In this case, all true members of the Catholic Church are, and must hold themselves to be, members of that particular branch in whose country they are. These petitioners, therefore, were not what they called themselves, "members of the Church of England residing in Scotland;"

but if they were members of the Catholic Church—and God forbid that they should not be so regarded!—they were members, not of the Church of England, but of the Church of Scotland. They were not entitled, on the one hand, to claim exemption from any of the laws which were of general application in that Church, nor could they, on the other hand, under the denomination of members of the Church of England—a denomination which did not, and could not, belong to them in Scotland—be entitled, beyond the limits of the Church of England, to any privileges they may have possessed in England. He emphatically repeated, that when in another land they found any branch of the Apostolic Church planted there by God's providence, they were bound to conform to its discipline, and to communicate with it in its offices. They were not bound to communicate with it, if it were schismatical, or if its terms of communion were such that they could not communicate with it, as was the case of most of the Continental churches, without sin. This was the only consideration which excused from the duty of communicating with the Church within whose limits they might be. But he confidently held, that no member of the Church of England, going into Scotland, has a right to keep aloof from the Church of Scotland, in religious offices, whatever preference he may feel to the offices of the Church of England. For the Church of Scotland, as every one who looked to its articles (which were in truth identical with our own), or to its polity and its discipline, must admit, is a branch of the holy Catholic and Apostolic Church. As such it has a right to devise forms and ceremonies for itself. That right is expressly affirmed for it by our own Church: insomuch that if one of his own clergy were openly to publish that any Church — whether the Church of England or the Church of Scotland—has not such right, he should feel it his duty to proceed against him for such denial. [*Laughter.*] Yes; he repeated the declaration; if any one of his clergy should publicly and deliberately affirm that a particular Church (the Church of Scotland, for instance) hath not, as such, authority to ordain, change, and abolish ceremonies or rites of the Church—or if he should in like manner maintain that any person willingly, purposely, and openly break its rites and ceremonies—such clergyman would thereby maintain what is directly contrary to the Articles of our own Church, and he should, in the honest discharge of his duty as a Bishop, proceed against the offender accordingly.

So far as he had perused the petition—which was of a most unreadable length—he could not see what grounds the petitioners had for coming before their Lordships. Scotland, so far as its Church was concerned, was to that House, under the Act of Union, as much a foreign country as any of the most remote. Their Lordships had just as much to do with the discipline and doctrines of a church at Constantinople. It was clear that they had no right at all to legislate about the doctrines and usages of the Church of Scotland.

LORD BROUGHAM: Not the Church of Scotland; but the Episcopal Church in Scotland.

The BISHOP of EXETER: Notwithstanding the correction of the noble and learned Lord, I shall call it what I please. I feel bound with my right rev. brethren, to acknowledge it as a Church in communion with our own. The noble and learned Lord had remarked, somewhat unfairly, he thought, on the difference of the conduct of the Bishops of the Church of England and the Bishops of Scotland, in respect to the Revolution, and to the political sentiments consequent on that event. The Church of England had taken a prominent part in forwarding the Revolution, and the transfer of the crown, on the abdication of James II., to King William and Queen Mary. The Church of England was bound by its highest duty to cast off allegiance to James, because, in addition to the various oppressions which he had heaped upon it, he had sought, in the character of its supreme governor, to force upon it the adoption of doctrines which it deemed heretical, and which were directly contrary to those which it was under the most sacred obligations to maintain. Having thus cast off allegiance to James, it did not recognise the claims of his descendants. But the case of the Church of Scotland was wholly different. It continued to maintain the duty of allegiance to King James II.

A NOBLE LORD: That was a question for the people.

The BISHOP of EXETER would not go into the question about the people. He was speaking of the Church: and what he said was, that James II. never tyrannised over the Church of Scotland, or harassed

it with oppressions. On the contrary, it was perfectly notorious that he had striven, often most injudiciously, often most unjustly, often in ways which were contrary to the wishes of the Church itself, to maintain and to advance what he thought the interests of that Church. It happened that, at the time when the Revolution took place, there was in London a deputation of Scotch bishops, sent with some address to King James. When James left the kingdom, William authorised a direct offer to be made to these bishops, that if they and the rest of the bishops of Scotland would give in their adhesion to his Government, he would maintain their Church in all its existing rights and privileges. Those bishops, and their colleagues, felt that they and their Church had suffered no wrong from James, and therefore that they had no right to abandon their sworn allegiance to him. Under such circumstances, they adhered, at whatever sacrifice of their Church's interests, to the cause of their exiled Sovereign. He (the Bishop of Exeter) honoured them for this their loyalty to the King, and faithfulness to their oaths.

He would not enter into the history of the rebellions of 1715 and 1745, in which he freely admitted that many of the members of the Scottish Church were actively engaged; and many—almost all, it may be—of its clergy were ardent partisans. By their conscientious principles they were bound to be so; and most honourably, at whatever hazard, they acted on those principles. He revered their memory for thus acting. But the noble and learned Lord had remarked with some severity on the pertinacious resistance of the clergy and others of that Church to the just claims of the House of Brunswick, even after the claims of the House of Stuart had been buried in the grave of the last descendant of James II. Now what was the fact? Instead of the reluctance and hesitation of which the noble and learned Lord had spoken, no sooner did they hear that Cardinal York (King Henry the Ninth, as they thought themselves bound to consider him) was no more, than, of their own accord, the clergy of Scotland unanimously resolved, in their synod, that they might, and therefore ought to, pray by name for the reigning Prince and his Royal Family—and the bishops formally communicated their resolution to the Secretary of State, and requested him to lay it at the foot of the Throne. This was done, and King George III. justly recognised in the faithfulness of these men to their ancient principles a pledge of their devoted loyalty to himself, now that those principles were on the side of their duty to him. True, some years elapsed—by reason of difficulties, raised chiefly by the then Chancellor, Lord Thurlow—before they were admitted to all the privileges which the other bodies in Scotland, not members of the Presbyterian Kirk, enjoyed. They were at length placed in the position of a tolerated Church; and more than this, they never asked. But even of this, even of the position and the rights of a tolerated Church, the present petition sought, in the most important particulars, to deprive them. That Church would be no longer dealt with, as even a tolerated Church, if their Lordships, whilst they allowed all civil and political privileges to be preserved to its members, should yet, at the bidding of these petitioners, legislate for it as a Church.

They had heard much of the difference between the Scotch and the English Liturgies. But were their Lordships aware, that at no period whatever, since the Reformation, would the Scotch Church accept the English Liturgy? Even in 1637, when Charles I. was anxious to prevail on that Church to form a settled book of public divine worship, and when its bishops were quite disposed to comply with this wish, they declined to accept the English book exactly as it stood. They told Archbishop Laud, who pressed that book upon them, that their doing so would be regarded in Scotland with much jealousy, as an abandonment of the independence of their Church. They further said, we think highly of your English Liturgy, but there are deficiencies in it, as it at present stands, which we will supply. They therefore formed the Communion Office mainly on the first book of King Edward VI., while the Church of England continued to use the office as altered in Edward's second book. Such was the origin of the Scottish Liturgy, as contradistinguished from the English. He did not mean to say that no alteration had since been made, but such was the origin of the Scottish Liturgy; and he might remind their Lordships that many of the greatest of English divines—he would name Bishop Stillingfleet, Archbishop Sharp, Bishop Bull, Bishop Wilson, Dr. Waterland, Bishop Horne, Bishop Horsley — preferred the Scottish Liturgy, or at least the Commu-

nion Office in the first book of King Edward, on which it was founded.

The noble and learned Lord had somewhat invidiously alluded to the title of *Primus* borne by Bishop Skinner, and had said he had almost called himself *Primate*. The title of *Primus* had been held in the Scottish Church from the earliest ages. There never had been a Primate of the Scottish Church.

LORD BROUGHAM: No. The Revolution abolished it.

The BISHOP of EXETER cared not for the Revolution, and he cared nothing for the contradiction of the noble and learned Lord, though he might be more formidable than the Revolution. The title of the principal bishop of the Scottish Church had been Primus and not Primate, from the earliest times. With regard to the orthodoxy of the present Scottish Communion Office, which was drawn up in 1765, he would quote the opinion of Bishop Horsley. Bishop Horsley, more than forty years ago, wrote the following letter on this subject to the Rev. John Skinner, afterwards Bishop Skinner:—

"London, June 7, 1806.

"My dear Sir—With respect to the comparative merit of the two offices for England and Scotland, I have no scruple in declaring to you what some years since I declared to Bishop Abernethy Drummond—that I think the Scottish office more conformable to the primitive models, and, in my judgment, more edifying than that which we now use; insomuch that, were I at liberty to follow my own private judgment, I would myself use the Scottish office in preference. The alterations which were made in the Communion Service as it stood in the first book of Edward VI., to humour the Calvinists, were, in my opinion, much for the worse; nevertheless, I think our present office very good, our form of consecration of the elements is sufficient; I mean that the elements are consecrated by it, and made the body and blood of Christ, in the sense in which our Lord himself said that the bread and wine were his body and blood.—I am, my dear Sir, your affectionate and faithful servant, "S. ST. ASAPH."

Having this authority, the testimony of Bishop Horsley to the orthodoxy of the Scottish Office, he (the Bishop of Exeter) was content to hear the petitioners, and even the noble and learned Lord, talk of that Office as favouring transubstantiation. In the petition, an assertion was made to which the noble and learned Lord had referred most energetically. It was there said that the clergy of the Scottish Episcopal Church subscribed the Thirty-nine Articles with a mental reservation; and in proof of this the petitioners quoted from *Skinner's Annals*, Appendix, page 547, an address of Bishop Jolly to Convocation; but they stopped short in their quotation at the very point at which the passage they were quoting entered into an explanation which negatived the charge made against the Church. Bishop Jolly said—

"In adopting, therefore, the Articles of the United Church of England and Ireland, as the Articles of our Church, we must be candidly understood as taking them in unison with that book, and not thinking any expressions with regard to the Lord's Supper in the least inimical to our practice at the alar in the use of the Scottish Communion Office."

There ended the quotation; but Bishop Jolly went on to say—

"In which we are supported by the first reformed Liturgy of England, not to look at all the ancient Liturgies, which prevailed long before the corruptions of popery had a being. Some of the greatest divines of the Church of England, Poinet, Andrews, Laud, Heylin, Mede, Taylor, Bull, Johnson, and many others, have asserted and maintained the doctrine which, in that office (the first reformed Liturgy of England) is reduced to practice. Yet these divines did all subscribe the Thirty-nine Articles, and must therefore have understood them consistently with their belief of the commemorative sacrifice of the holy Eucharist, using the present Liturgy of the Church of England as comprehending it. Our subscribing them in Scotland cannot then be justly interpreted as an inconsistency with it, since our belief is diametrically opposed to the corrupt sacrifice of the mass, which, with all the other errors and corruptions of Rome, none more heartily renounce and detest than we in Scotland do, with safety always to those truly Catholic primitive doctrines and practices whereof these errors and novelties are the corruption."

What, too, would their Lordships think, when he told them that the American Episcopal Church, which had sprung up since the Declaration of Independence, had adopted for its guide the first Book of Common Prayer of Edward VI., as the Scottish Church had, and that the Liturgy of both was in most respects almost identical? In answer to what had been said respecting the Church of Scotland making canons, he must insist upon its right to do so—a right which essentially belonged to it as a Church. It was true, the Church of Scotland could not enforce its canons by any temporal penalties, but it could enforce them by spiritual penalties; and indeed it was bound so to enforce them, even if those penalties went so far as excommunication. He would not, however, enter into this question, which was about to come before their Lordships, in the form of an appeal. The principle for which he contended had nothing to do with the law of man. It rested entirely upon the laws which go-

verned the Church of Christ, whether the law of the land did, or did not, recognise the right of the bishops of Scotland to make canons, and the right of those bishops to enforce the canons so made; the law of Christ recognised that right, and he trusted the bishops would continue to exercise it, whatever might be the temporal consequences.

The BISHOP of CASHEL said, he must ask permission to say a few words on this question. He promised to take up but little of their Lordships' time. The question was one between the members of the United Church of England and Ireland residing in Scotland, and the members of the Episcopal Church in Scotland. He would shortly mention how he came to be mixed up in the matter. In the year 1845 he received a letter from Dr. Low, the Bishop of Moray, in the Episcopal Church, asking him whether he sympathised with those who had separated from that communion? His reply was, that as his opinion had been asked, he felt called upon to say candidly that he did sympathise with those who separated for the truth's sake; and that he was of opinion that the members of the Church of England in Scotland were not bound to maintain communion with the Episcopal Church in Scotland, if that Church were in error, any more than they were bound to maintain communion with the Episcopal Church in Rome, or the Episcopal Church in France. The members of the Church of England in Scotland did not submit to the jurisdiction of, and hold communion with, the bishops of that country, upon the plain and intelligible ground that they conceived there were errors in the doctrines as exhibited in the Liturgy of their Church. He could not hold with the position laid down by the right rev. Prelate (the Bishop of Exeter), that members of the Church of England, if they crossed the border, were bound to put themselves in communion with, and submit themselves to, the authority of those who assumed to themselves the title of bishops of that country, without taking into account either the source from which they derived that authority, or the truth or falsehood of the doctrines which they taught. This was a position which he was not prepared to hear from a Bishop of the Reformed Church of England. If we admit the principle of total submission to Episcopacy as such, we could not justify our Reformation. We should be forced, in consistency, to acknowledge the authority of the bishops of the Roman Church, whose orderly episcopacy we have never questioned, but from whom we have separated on the ground that they have substituted error for truth. We should be as much bound to be Romanists, once we passed into France or Italy, as to join the Episcopal Church in Scotland when once we passed the Tweed. The right rev. Prelate had spoken of the two Common Prayer Books of Edward the Sixth, as if he held them to be alike in doctrine and authority. They were, however, materially different in some most important particulars. The first Book of Common Prayer of Edward the Sixth was unquestionably a wonderful production, considering the circumstances of the age in which it was compiled, and that our reformers had only then begun to open their eyes to the errors of popery. It was not surprising, then, that at such a period some remnants of popery should be found in this Prayer Book. The right rev. Prelate very well knew that in the first Book of Common Prayer, published in 1549, the name given to the Communion Service was "the Mass," and that it also spoke uniformly of "the altar," and "the sacrifice." In short, the language of the Communion Service in this first book was in harmony and unison with these doctrines of a sacrifice and an altar, which are rejected in our Church. There was no blame, however, to be attached to the compilers of this book, because, on studying the subject, they obtained more light; and in 1552 the Reformers brought forward another Prayer Book, less in conformity with the doctrines taught by the Church of Rome, and more in accordance with the doctrines of Protestantism. Bishop Horsley, he knew, had written in praise of the first Prayer Book; but persons who had investigated the subject might disagree from the conclusions of that learned Prelate; and if they thought the second Prayer Book contained sounder doctrine, there was no reason why they should be compelled to use the first, of which they disapproved, instead of the second, of which they approved, and which was deliberately substituted by our Reformers — Cranmer and the others. He would take the liberty of reminding their Lordships, that the bishops of the Episcopal Church in Scotland cannot avail themselves of the approbation given by Bishop Horsley or others to the Prayer Book of 1549; for they were not content with such a retrograde movement

in the direction towards Rome as would be involved in going back to that service, but have altered its language so as to make it favour the Romish doctrine of transubstantiation more than any formulary that has been adopted in any reformed church, using those words:—

"Bless and sanctify with thy word and Holy Spirit these thy gifts and creatures of bread and wine, that they may become the body and blood of thy most dearly beloved Son."

The 21st canon of the Scotch Episcopal Church has made the Scotch Communion Office to be of primary authority; but they have lately altered that canon much for the worse. In the beginning of the present century, the canon ran thus:—

"No alteration or interpolation whatever shall take place, nor shall any change from the one to the other be admitted, unless it be agreeable to the minister and his congregation, and approved of by the bishop."

But in the last edition of the canons, they have left out the former part of the sentence, and retained only "unless approved of by the bishop." By which change in the canon, a Church of England congregation, if they put themselves under the jurisdiction of a Scottish bishop, have no security that they shall not be deprived of the holy communion, or forced to receive it according to a form which appears to them to savour of the doctrine of transubstantiation. But what the petitioners sought was this—that the members of the Church of England in Scotland should have the communion service celebrated according to the form of the Church of England, to which they belonged; and that a clergyman celebrating the sacrament of the Lord's Supper in that form, should be liable to no censure for it in Scotland; and when he left Scotland, should be liable to no censure from the bishops of the English Church because he had adhered to the Liturgy and Articles of the United Church of England and Ireland. The noble Duke (the Duke of Argyll) had referred to the excommunication of Sir William Dunbar, of whom it is necessary to state, that he, from a spirit of peace, agreed to join the Scottish Episcopal Church; but he did it upon certain terms, one of which was, that he was to use the English Liturgy, and that alone. Subsequently to this, there was an ordination, at which Sir William Dunbar preached; the communion was administered according to the Scottish office, and Sir William withdrew without having partaken of it; he was reproved by the bishop, and told that the next time he acted so his conduct would be made the subject of ecclesiastical censure and procedure. This, and other circumstances of the same kind, forced him to dissolve his connexion with the Scottish Episcopal Church, on account of which the bishop issued the sentence of excommunication. On an action being brought into the Scotch courts, one of the Judges said—

"I cannot certainly hold, that there is no difference between the Scotch and English communion offices; and while I do not wish to enter into this theological question, I cannot, at the same time, overlook the circumstance, that a large part of the episcopal world think that the Communion Service of the Scotch Episcopal Church teaches the doctrine of transubstantiation. Now, as the service of the Church of England, for which this congregation stipulated expressly, excludes that, I cannot, therefore, hold a matter of this kind to be unimportant."

Another Judge said—

"It is said, among other things, that the pursuer has committed a violation of his ordination vows. To me he seems rather to have been a martyr to his ordination vows. These were taken to an English bishop, and included an engagement to uphold and adhere to the Liturgy of that Church; and it is manifest, that the separation which is here stigmatised as sinful and schismatical, was prompted mainly by a desire to adhere to the Liturgy."

In order to support the prayer of the petitioners, it is only necessary to show that there exists a material difference between them and the tenets of the Episcopal Church in Scotland, without going here into a theological discussion as to which is right and which is wrong. It is enough to establish the essential difference. It is strong evidence to this point to give the opinion of the Judges who considered the case; but the existence of this difference has been strongly stated in a sermon preached before the bishop and clergy of the diocese of Aberdeen in synod assembled, by the Rev. P. Cheyne, minister of St. John's, Aberdeen. After having spoken with disapprobation of the two communion services being allowed to be used in the Episcopal Churches, Mr. Cheyne thus proceeds:—

"Many new congregations have been established of late years: in how many of them is the 'communion office' of the Church used according to the 21st canon? That canon secures the use of the English office to all congregations 'where it had been previously in use'—previously, that is, to the union referred to. But that permission extended to no congregation formed subsequently; they are subject to the general rule, and ought to have the eucharist administered by the 'authorised

service.' No new congregation has a right to choose which service shall be adopted: the contrary has, indeed, been asserted and acted upon; but it is quite inconsistent with the terms of the canon. The only imaginable exception are congregations of native English or Irish, who, according to the practice of the Church, may be permitted the use of their own rites. The Church has been involved in inextricable embarrassments by the vacillating course adopted in this matter. Not the least of these embarrassments is the admission of inconsistent doctrines on this, the most awful of all subjects. Yet is it not so? Are not inconsistent doctrines taught and tolerated among us? No doctrines can be conceived more inconsistent than that which inculcates belief in the real presence of Christ in the eucharist, and that which rejects it as popery, and teaches us that He is no more present there than He is anywhere else where two or three are gathered together for prayer. Or, again, what can be more inconsistent than the doctrine of the sacrifice, and the direct denial of it? or the belief of its propitiatory nature, and the unqualified condemnation of it? Yet these 'discordant utterances' are heard on every side; and though one set of these doctrines is plainly and confessedly anticatholic, it takes refuge under the indefinite and halting testimony of the English Liturgy, and there finds it; and is not this to speak with 'stammering lips?'"

He (the Bishop of Cashel) could not express his sentiments as to the duty that binds a man when he is called upon to bear testimony to what he considers to be truth, better than in the words of the letter he wrote in 1845. He would read the following extract:—

"I find, I think, in our Church two things, for which I love her—Scriptural Truth and Scriptural Order. I love her for both; but when I shall find these two separated, and I shall be obliged to choose whether I will hold to the truth and give up the order, or hold to the order and give up the truth—I shall feel myself bound to hold to the truth.

"If my own Episcopal Church should turn away from the truth—should declare the doctrine of her communion service to be uncatholic, and should introduce a service that speaks more like transubstantiation than ever was spoken by any church but the Church of Rome, I should feel myself bound to protest against her heresy, and to separate from her communion, though that separation should involve the undesirable absence of Episcopal superintendence and control. How much more must I sympathise with Church of England men in Scotland, who upon the same ground separate themselves from a Church which has no hereditary claim to their submission—which is not the Church of their fathers, and had not been the cradle of their youth! If asked my opinion, I must say, 'Come out from her and be separate.'"

But dismissing the ground of the Episcopal Church in Scotland having departed from the truth maintained in the Church of England, upon the principles of the highest Churchmen, which give the highest authority to Episcopacy, the Episcopal Church in Scotland cannot claim the submission of true and obedient members of the Church of England. They are not the successors of the ancient Episcopal Church of Scotland: that came to an end, A.D. 1603. It was revived through consecration by bishops of the Church of England: that again failed; and the Scottish Episcopal Church now derives its succession from, and traces its pedigree through, the nonjuring bishops after the Revolution? If, then, an obedient member of the Church of England acknowledges the authority, and submits to the jurisdiction of the present line of bishops of England, he cannot acknowledge the authority of the nonjuring bishops who were separated from the Church, nor of those consecrated by them; yet such are the Scottish bishops. Neither a love for truth, nor a respect for legitimate Episcopal order, will allow a true intelligent member of the Church of England to join himself and submit himself to the jurisdiction of the Scotch Episcopal Church—differing in its formularies and irregular in its succession. The thing that appeared to him unaccountable and unjustifiable was, that a man should solemnly swear that he would conform to the Liturgy of the Church of England, and after such a solemn engagement should join a Church that declares to be of "primary authority" a communion service that so materially and evidently differs from that to which he has bound himself to conform. Again he would say, that to get rid of all this reasoning by putting forward the paramount right of authority in the Episcopal office, irrespective of truth or order, is to set up a principle which would upset the Reformation, and force a man to be a Romanist when he passed into France or Italy, as well as make him a member of the Scotch Episcopal Church as soon as he passed the Tweed.

The Earl of MINTO said, that like the noble Duke (the Duke of Argyll) he was totally indifferent, with regard to the two parties who were brought before their Lordships by this petition. They were both dissenting bodies from the Established Kirk of Scotland. He rose, therefore, for the purpose of saying, that whatever steps their Lordships might think proper to take, he trusted that at least nothing might be done to recognise any *status* whatever in the Episcopal Church in Scotland. The right rev. Prelate (the Bishop of Exeter) had persisted in calling the Episcopal Church in Scotland "the Church

of Scotland," and he had even said, he did not care for the Act of Parliament, he should continue to call it by that name. He (the Earl of Minto) asserted, that it was not the Episcopal Church of Scotland. There stood his assertion against that of the right rev. Prelate, and he was willing to leave the House to judge between them. But he had something better than a mere assertion. He had the Act of Union, which would turn the balance in his favour. He protested against the idea that there existed an Episcopal Church in Scotland on any other footing than that of a sect. He did not, however, mean to deny, but that some grievances which it would be well to remove might have arisen to the petitioners out of the position of the Episcopal Church in Scotland, under what remains of those statutes which had been directed against it at a time when politics and religion were more nearly connected than is, happily, the case in our day. These statutes he should be glad to see wholly repealed, and all Episcopalians in Scotland then placed on the same footing with every other class of Dissenters in that country.

The BISHOP of EXETER wished to say a few words in explanation, after what they had just heard from the noble Earl.

In the first place, he had not said, as the noble Earl had represented him to have said, that the Revolution was effected by the bishops and clergy of England. He had only said, that they, or the greater part of them, had been in favour of the Revolution, while the bishops and clergy in Scotland had with good reason been opposed to it.

Again, he had not uttered one word against the *status* given by the law of the land to the Kirk of Scotland as the Established Kirk; and he had disclaimed all wish to interfere with that *status*. He had dealt with the matter, as it came before them, on theological grounds—on those grounds, he must, as a bishop, regard the Episcopal Church as the Church of Scotland; and so regarding it, he should have been unfaithful to his own principles, if he had been afraid of calling it by that name.

The DUKE of BUCCLEUCH rose to address a few words to the House, more particularly in consequence of some observations which had fallen from the right rev. Prelate who had last addressed the House (the Bishop of Cashel), and because he was in the position of one brought up and educated a member of the Church of England, of which he was still a member; and at the same time when in Scotland he considered himself to be in full communion with the Episcopal Church of Scotland. As far as his knowledge went, the Scotch Episcopalians did not claim the *status* of the Kirk of Scotland, but of the Episcopal Church in Scotland. They were satisfied with being in the full exercise of that form of worship of which their consciences approved; and it would be an unwarrantable interference on the part of the House to attempt to regulate its ecclesiastical government. Whatever might be said, as had been intimated by a noble Lord, as to its not being a Church, he maintained that it was a Church in every respect, possessing within itself all the component parts which constitute an Episcopal Church. The Scotch Episcopal Communion was recognised by the State in proclamations upon particular occasions, and other ways; it was recognised by, and was in full communion with, the Church of England. He entirely repudiated the idea that their Liturgy implied participation in the errors of the Church of Rome. It was, however, a mistake to suppose that that part of it to which allusion had more particularly been made, the Communion Office, was imperative upon any congregation. Its use was optional. They might adopt either one or the other, either that of the Church of England or that of the Episcopalian Church: and in some cases, where there was a difference of opinion in a congregation, the two were used alternately. He did not believe there was any connexion between the doctrines of the Scotch Episcopal Church and the errors of the Church of Rome. If he had, he would not have in any way become a member of that communion. But when he saw men, and eminent members of the English universities, and of unblemished reputation, of high acquirements and distinguished learning, of soundest views on theological subjects, accept the cure of souls, and become bishops in that Church, and when he saw them as ardent supporters of the doctrine and discipline of the Church of England as any right rev. Prelate upon the bench opposite, he could not bring himself to believe that there was anything in the Liturgy or doctrine of the Church to justify the supposition of a Romish tendency, which had been attributed to it by the right rev. Prelate. He regretted to find that the petitioners complained of any grievances. He was unable to see how

the House could in any way interfere, without involving an alteration or infringement of the Articles and Act of Union, which he felt confident would not be quietly acquiesced in by this portion of the kingdom, or be tamely submitted to by the other.

Lord BROUGHAM said, it seemed to be lost sight of and forgotten that the Bishops of the Scottish Episcopal Church would not grant to clergymen officiating in episcopalian congregations not in communion with them, those testimonials which some English bishops required before they would induct clergymen coming from Scotland into a benefice in England. The Scottish bishops required clergymen to subscribe their entire belief in and approval of the Liturgy of the Episcopalian Church, which many of them could not conscientiously.

The Bishop of OXFORD said, that he should not have risen to address their Lordships, had it not been for the remarks which the House had just heard from his right rev. Friend near him, because he thought it most important not to allow such a speech as that right rev. Prelate had delivered to go forth to the public—as undoubtedly it would go forth—without addressing a few remarks to the House on the scope and tendency of that speech. The matter before the House involved a very serious subject, and many and great reasons existed why there should be given an answer to the speech of the right rev. Prelate, and why that answer should receive all the attention to which it was fairly entitled. If any speech could produce such a result, he believed that the observations which the House had just heard from his right rev. Friend would take away the beneficial and healing effects which had been brought about by the part which a most rev. Prelate had taken in this matter, the whole tone and tenour of whose observations on the subject had been marked by a spirit well worthy of imitation. It had been stated that the Episcopal Church of Scotland, which was known to be in full communion with the Church of England, had suddenly found itself placed in circumstances of difficulty and embarrassment; but he hoped that a little further discussion would contribute to remove this difficulty, of which he saw no other possible solution. It must be full in the recollection of their Lordships, that proposition after proposition had been made and abandoned, and that, after all, no full solution of the difficulty had been accomplished. On the one hand, they were told that the Episcopal Church of Scotland was in full communion with the Church of England; and on the other, his right rev. Friend assured them that the communion service of that Church was more Popish, more ultra-Romish, than any office of their Liturgy. To that he should oppose the opinion expressed by the most rev. Prelate (the late Archbishop of Canterbury, as we understood), who distinctly affirmed that the Episcopal Church in Scotland was in full communion with the Church of England. With the leave of the House, he now proposed to call their attention to a short extract from the writings of Bishop Horsley, which he thought would very materially strengthen the view that he took of this part of the subject—a passage marked by the great vigour and strong sense which usually distinguished the works of that eminent Prelate. It was in these words:—

"My Lords, an appointment to an Episcopal congregation in Scotland is no more a title to me or to any bishop of the English bench than an appointment to a church in Mesopotamia. Clergymen of English or Irish ordination exercising their functions in Scotland without uniting with the Scottish bishops are, in my judgment, doing nothing better than keeping alive a schism."

He should next call the attention of their Lordships to the following opinion which Lord Stowell had expressed upon this point:—

"All that friendly and kind communication with our episcopal brethren in Scotland can give, they may always command from the English bishops. But authority or jurisdiction in Peru is not more out of their thoughts than in Scotland."

As full proof that the most rev. Prelate to whose name he had already referred, the late Archbishop of Canterbury, clearly held the opinions which he imputed to him, he should trouble their Lordships with the following extract from one of his letters, dated the 19th of August, 1845:—

"The Episcopal Church in Scotland is in communion with the United Church of England and Ireland, through the medium of her bishops, as, without referring further back, will appear from a recent Act of the Legislature, the 3rd and 4th Victoria, c. 33."

In the same letter he also found the following passage:—

"Of congregations in Scotland not acknowledging the spiritual jurisdiction of the bishop in whose diocese the chapels are situate, yet calling themselves Episcopalian, we know nothing. In order to prove their right to this designation, they should be able to show what bishop in England has authority, by law or by custom, to regulate

their worship, and to direct or control their ministers in respect of discipline or doctrine."

Was it, then, he would ask, a light matter that a right rev. Prelate should stand up amongst their Lordships, and tell them that the Episcopal Church in Scotland was Romish—that it was sinful to be in communion with that Church—and that it was the duty of every right thinking Christian to "come out from amongst them and be separate?" Such assertions should not be lightly made, such advice should not be lightly given, and such subjects should not be lightly dealt with. Fortunately, however, such arguments as had been used by his right rev. Friend might be completely shattered by the writings of the eminent authorities to which he had referred their Lordships. Further, he would say, that if they allowed their minds to be carried away by what they had heard from his right rev. Friend, they would infer that the retention in the Scotch Liturgy of the prayer which proved the Protestantism of that Church, was the best possible evidence of their Romanism. It was well known that the Roman Catholics held that the consecration prayer in their communion service effected a mysterious change in the substance of the elements, and left the quality unaltered. The prayer, which had reference to an alteration in the quality, was one which the Roman Catholics altogether rejected, while the Episcopal Church in Scotland rejected that which had a Popish tendency. The one had an oriental, the other a Latin origin. The one had reference to substance, the other to quality. Nothing appeared to him more unaccountable than that his right rev. Friend should maintain that the Episcopal Church of Scotland was to be deemed ultra-Romish, because they continued to use a prayer that was beyond all controversy based on Protestantism. He would just quote this question and answer from the catechism of the Church in Scotland:—

"Are the bread and wine not changed (by consecration)?—Yes, in their qualities, but not in their substance."

Now, it was well known that the Roman Catholics held that the change took place in the substance, and not in the quality; yet, because the Church in Scotland held doctrines diametrically opposite to the Church of Rome, they were said to be ultra-Romish. It was not in that way that brotherly love and concord were to be promoted; and what could be more dangerous, then, than to have it go forth uncontradicted, that the tendencies of that Church were Romish. Apart, however, from the arguments which the House had heard from his right rev. Friend, there was a passage in Sir W. Drummond's own pamphlet which disclosed a fact of no trifling importance, and which was set forth in these words:—

"I wish likewise expressly to state, that the Scotch communion office was not the cause of my leaving the Scotch Episcopal Church. That I have distinctly made known in my *Reasons*."

Besides such admissions as these, the House possessed for their guidance the full concurrence in opinion of all the great lights of the English Church to prove that the Episcopal Church in Scotland was in full communion with the Church of England. Doubtless their Lordships well knew that those who lived in civil society must surrender some portion of their natural liberty, in order to enjoy the advantages of the social state; and so it was in Christian churches. Men might in some respects wish to do otherwise than seemed best to their brethren. It might be more agreeable to them to do as they liked; but would that warrant them in separating from the religious body with which they ought to be connected? His right rev. Friend had not untied the knot; he had cut it when he said that we were in the same position with regard to Scotland as that in which we stood towards France. To suppose so, was a grievous mistake; for we were not in communion with any French church. He begged them, if they began to legislate upon this subject, to do so with their eyes open; for they might be assured of this, that nothing could be more calculated to raise up religious strife than any attempt to begin a course of legislation upon that subject: for the people of the Established Church of Scotland were adverse to Romanism; 1st, because the Pope was a Roman Catholic; 2ndly, because they believed the papal power to be the scarlet lady; and, 3rdly, because he was a bishop. What then could be more impolitic and unwise than this interference with the Episcopal Church of Scotland? It appeared to him most clear that they had but one basis of legislation—that they could not proceed in the teeth of the Act of Union—that they could not proceed in spite of the feelings of the great mass of the people. One advantage, however, might arise out of the present discussion—he hoped they would see from it the utter hopelessness of any attempt to legis-

late in the direction that had been indicated to them—that they would feel that they were "brethren, and should see that they did not fall out among themselves." It appeared to him that they had no *locus standi* which would entitle them to interfere with the religious rites and religious observances of the people of Scotland.

The BISHOP of WORCESTER rose, and stated that, having been called upon by his right reverend Brother to explain, he would detain the House a few minutes while he stated that he never dreamt of interfering with the established Presbyterian religion of Scotland; but he could not agree with the right rev. Prelate (the Bishop of Exeter), that the Church of England was locally confined to England and Ireland. We acknowledged its existence in Jerusalem by appointing a bishop of the Church of England in Jerusalem, and a portion of it might exist in Scotland, though not in communion with the Episcopal Church there, which did not admit our Liturgy.

The EARL of HARROWBY agreed with the rev. Prelate (the Bishop of Oxford), that there was some difficulty in granting the prayer of the petitioners, in finding for them a proper *locus standi* before the House; but he could not call it an impossibility. It was, he imagined, as much open to Parliament, if it should seem fit and expedient, to give to the Archbishop of Canterbury, or to some one of the English bishops, a qualified jurisdiction over clergymen of the Church of England and Ireland officiating in Scotland, as over such clergymen when officiating either in our colonies, as we still did in some cases, where bishops of our own Church were not established, or in foreign countries, where English chaplains were placed under some degree of subordination to the Bishop of London. If it was said the Act of Union stood in the way, he could not look at that as any real obstacle to such a qualified jurisdiction, any more than our want of political right to interfere with such matters in foreign countries prevented us from doing what was requisite in such cases for the regulation of our own worship, without pretending to give or to interfere with civil rights. But he was not going to advocate interference by legislation as expedient. He thought there were many reasons why it was much better not to attempt it. He only wished on that point to protest against its being held to be impossible to give to English bishops a jurisdiction beyond their English dioceses, and even within the limits of Scotch dioceses, which the law of this country had never recognised. He (Lord Harrowby) did believe that this case was one for which the better remedy was to be looked for in the kind expression of sympathy which had been given utterance to by the most rev. Prelate (the Archbishop of Canterbury), and by his declaration, that, for his part, if he were properly assured of the character and attainments of any clergyman of the Church of England, who had been officiating to congregations in Scotland, he should not feel himself called upon to require any certificate, any *bene decessit*, from the bishop of the Scottish Church, within whose assumed jurisdiction he had been serving. This, together with a similar declaration from several other prelates of the English Church, was, he believed, the best and most practical remedy for the real evil of which the petitioners complained. For what was the grievance—and a real grievance it was—that a clergyman of the Church of England, invited to officiate to members of his own Church in Scotland, and sanctioned and encouraged in so doing by acts of the Legislature, and by the former proceedings of the bishops of his own Church, having taken upon himself at his ordination a vow and solemn engagement to use no other Liturgy but that of the Church of England, found himself, when in Scotland, involved in all sorts of difficulties and discouragements, if he did not at least occasionally use another Liturgy, that of the Church in Scotland, of which, though the rev. Prelate (the Bishop of Oxford) had certainly very satisfactorily cleared it of the imputation of sanctioning Romish doctrines, yet he could not but confess that it differed very materially from that of the Church of England, and contained some expressions, which at least would startle one accustomed to the English form—that, moreover, when the English clergyman, finding himself so situated, desired to return to England, and to resume his duties in the Church in England, he found himself marked, as it were, with the finger of reprobation by at least many members of the right rev. bench, and indeed refused induction to a living or admission to a curacy within their dioceses, unless he returned with a certificate from the bishop of the Scottish Church within whose supposed or assumed jurisdiction he had laboured, which certificate such bishop would only grant on subscription to a canon

which declared that the Scottish form of communion—one differing materially from that of his own Church—was of primary authority. This was the grievance to the clergyman; and that to the laity professing in Scotland the doctrines of the Church of England, was, that such reprobation and such obstructions on the part of English bishops made it difficult for them to procure the services of clergymen of the Church of England, who were unwilling thus to expose themselves to the risk of being laid under the ban of their own superiors. Now this was a very real grievance, and one, which, however difficult or inexpedient it might be to attempt to remedy it by legislation, did not seem to be unworthy of their Lordships' attention, because it arose out of the acts, not simply of an unrecognised body, such as that of the Scottish bishops, who, in the eye of the law, whatever they might be in our regard as Episcopalians, were no more than members of a dissenting sect, but out of the acts of the bishops of the English Church, who gave, as it were, a legal force to the acts of this unrecognised body, so that they became the means of depriving English clergymen of their civil rights, and creating a civil disability. But for this sanction given by the English bishops, this *quasi*-legal effect by them to the punishment inflicted by the Scottish bishops on English clergymen whose only fault, if it was one, was too great an attachment to their own communion, too scrupulous an adherence to the vow of allegiance which they had made to the usages of their own Church, there certainly would have been little ground for calling their Lordships' attention to the subject. As Episcopalians, they might have regretted that bishops had, by the assumption of their acts, and the arrogance of their language, by the exercise of an authority and the use of language which had not been justified in that House, and which he (Lord Harrowby) was confident not one of the Prelates on their Lordships' bench would have thought himself entitled in a similar case to employ in England, brought discredit on Episcopacy in the midst of a Presbyterian population, and repelled those from coming within the mild and peaceful domain of the Episcopacy, who were wearied or offended by the discussions which appeared to threaten the dissolution of the Established Presbyterian Church. As Episcopalians, we might have lamented to see such discredit thrown upon that form of church government which we preferred; but the case would hardly have been one which could well have been brought before their Lordships, as affecting the rights of a portion of Her Majesty's subjects, which, as the matter now stood, it undoubtedly did. The grievance, moreover, was the more felt, because the course pursued was in a great degree a new one. The scruple was a new one. During the whole of the last century, bishops of the English Church had not only felt no such respect for the jurisdiction of the Scottish bishops as to make their certificate an essential qualification for an English clergyman, who had been officiating within it; but they, themselves, from time to time, exercised acts of jurisdiction within those very territorial limits. Bishop Gibson and Archbishop Secker both, if he remembered aright, ordained to chapels within the so-called diocese of Aberdeen; and a bishop of the Irish Church had made a tour of confirmation. The scruple, therefore, was new. It was true, that at that time those bishops were more under the persecution of the law than they were at present; but their creed was the same—they had not changed in doctrine. They were as much bishops during all that period as they were now, and therefore this scruple of interfering with the jurisdiction of another bishop, which seemed now to be so paramount to every other consideration, wore the appearance of harshness and inconsistency, which gave increased bitterness to the feeling. He (Lord Harrowby) rejoiced that an opportunity had been given by the presentation of the petition for an expression of opinion upon the subject. He had great hopes that the expressed opinions of the most rev. Prelate and of several other Prelates, would practically provide, at least in a great degree, a remedy for a real grievance which, although he believed it was not impracticable, yet there were many reasons why it was inexpedient, as it was difficult, to reach by direct legislative interference.

The EARL of POWIS said, during the period in which their Lordships had been engaged in discussing the question whether a member of the Church of England could conscientiously become a minister, or join in the services of the Episcopal Church of Scotland, they might, if not have disposed of the Navigation Bill in Committee, at all events considered it somewhat fully. The whole of this discussion had arisen from the fact of a gentleman who had been a

minister of the Church of England having afterwards become a minister of the Episcopal Church in Scotland. The question raised by the petition was, not whether an English clergyman might not perform the services of the Church, whether he was temporarily or permanently resident in Scotland; but whether he was justified in joining the Episcopal Church, and when he had fallen out with a bishop of that communion, he was to come complaining to their Lordships, and invoke the aid of Parliament in the contest provoked by himself, by choosing to belong to that communion. Bishop Skinner had excommunicated Sir William Dunbar. But this was a case which certainly ought not to have been brought before their Lordships in this manner; and he must be permitted to say, that the petition presented by the noble and learned Lord seemed calculated to prejudice an appeal between these gentlemen, which would shortly come before the House in its judicial capacity. The petition was nothing more than a fishing petition. Its object was simply to prejudice the case of Bishop Skinner. He did not think, however, there was any fear of that from what he knew of their Lordships. He would not interfere with the merits of the question of *status*. All he wished was, that their Lordships should give to the Episcopal Church in Scotland what they were entitled to receive, a fair hearing; and he trusted that the interests of those who had appealed to that House on this subject would not be affected by anything which had been said during this debate.

The EARL of GALLOWAY trusted he should be permitted to offer one or two observations on the part of the petitioners, and most emphatically to disclaim the unworthy motives for approaching their Lordships' House which had been attributed to them by the noble Earl who had just spoken. He (the Earl of Galloway), on the contrary, believed their motives to be pure and just, and that they felt very sensibly that they had a grievance; and he needed not to remind their Lordships that in this country we were led to believe there was no wrong without a remedy, or, if none existed, one must be found. He, too, conscientiously believed that in this case there was a practical grievance, for which a remedy might be found without any unprecedented exercise of the powers of Parliament, notwithstanding what had fallen from some of the right rev. Prelates. The law as it stood was quite clear. It had been shown by the statute of the 10th of Anne, and he thought it had been admitted on all hands in the course of the debate, that it was not the intention of the Parliament of that day to protect the Episcopalians in Scotland in the exercise of their faith, and in worshipping according to their conscience, and especially in the use of the Liturgy of the Church of England if they thought proper. But it had also been admitted that at a subsequent period, during troublous times and for political purposes, the Legislature deposed from their *status* the members of the Scottish Episcopal Church, depriving them of the benefit of the Act of Anne, and that it was not until the comparatively late period of 1792 that they were tolerated. Toleration, however, was then extended to them; and he now asked their Lordships if it was reasonable, when, under an Act of toleration, the *status* they formerly held was revived, that they should now claim, and be permitted to exercise, a species of tyrannical jurisdiction or dominion over members of the other body—members of the Church of England in Scotland—who had never lost the *status* given to them by Parliament in the before-mentioned Act of Anne? Under such circumstances Parliament would not be going beyond its jurisdiction to grant relief. For he confessed he had no sympathy whatever with some of the views of the right rev. Prelate (the Bishop of Exeter) who had spoken on this subject, and who, in the course of his speech, had given expression to opinions which would sound strange in the ears of all the friends of civil and religious liberty in that House. The argument and restrictions of the right rev. Prelate would go far to unchurch every denomination of Christians except the Episcopalians. But it should be remembered that pious and learned men had for ages differed as to the precise form and character of Episcopacy in its origin in the primitive Church. For while the opinion of some, which the Church of England thought right, had vested Episcopal authority in the bishop, chosen from among, and elevated above the Presbyters, the opinion of others had vested it in the body of Presbyters, or Presbytery, as was the case with the Established Church of Scotland. And with respect to churchmanship, he (the Earl of Galloway) thought when discussing such matters, and bearing in mind what he had heard in the course of the debate, there was a very important distinction to be observed, and which ought

not to be lost sight of; that there was, in fact, the outward and visible or professing Church—and the invisible or spiritual, or real Church of Christ, the former comprehending within it, however differing, all bodies of Christians, and among them the Church of England, and the members of the Church of England in Scotland, the Established and endowed Church of Scotland, the Free Church of Scotland, the Scottish Episcopal Church, and, according to his views, also the Church of Rome, the latter comprehending from among these those only who were born again of the Spirit, not known surely among men, but known to God. And these views he believed to accord, more nearly than those of the right rev. Prelate to whom he had alluded, with the views generally entertained among the more liberal-minded of the true members of the Reformed Church of England.

But while much had been said that night about the persecution and hardships to which the ministers of the Church of England in Scotland had been exposed, comparatively little had been said of the hardships of the laity, of the increased difficulty entailed by the present state of matters in the English congregations in Scotland to get suitable ministers, which went indirectly to defeat the protection which the Legislature professed to extend to these bodies. Nor was it to be wondered at that English clergymen, without further encouragement, should hesitate to expose themselves to the evils complained of by the petitioners. There was, then, a practical grievance felt by members of the Church of England resident in Scotland, which he believed might be alleviated without arousing the jealousies with which they had been just threatened. He felt it in his own position; and he spoke from his heart when he said, it was felt as a grievance most deeply. He had not affixed his name to the petition, but he was in the predicament of the petitioners; and he would ask—in reference to what had fallen from the right rev. Prelate—whether it was right that he, having been born, baptised, brought up, and confirmed in England, and in the Church of England, but having subsequently, by the accident of his birth, inherited property in another part of the kingdom, which enjoined on him the duty of residing in Scotland—that he and his family should thereby forfeit the privileges pertaining to his own Church? Being thus personally interested, it might not be considered irrelevant that he should mention that he had a chapel adjoining his residence in Scotland, where divine service was conducted according to the forms of the Church of England, and where many of his Presbyterian neighbours, who were free from prejudice, had often assembled with them for the worship of God and to hear the Gospel. He (the Earl of Galloway) had ever cultivated and exemplified feelings of the highest respect for the Established Church of Scotland, and nothing would induce him to take part in any measure which he thought calculated to injure that venerable establishment. But he could not conceive that the Church of Scotland, strong in its own priveleges, would entertain the jealousy, which had been supposed, of due protection to the members of the Church of England, residing within her borders, but not interfering with her polity. He did not disguise from himself that there were difficulties in the case, though they did not appear to him insurmountable when properly considered; and he thought that without injury to the right rev. Bishops, either in England or in Scotland, and without doing violence to the Act of Union, there might be an extension by the powers of Parliament (the Church and State being united and agreeing) of the English Episcopacy, not territorially, but spiritually, over members of the Church of England adhering to her communion, but residing in Scotland. At any rate, he rejoiced at the discussion of the question that evening, which, however unwelcome to some parties, he thought must do good; and he hoped that a practical remedy of a definite description would be found for the inconveniences and grievances of which the petitioners complained; feeling at the same time the strong assurance that, whatever the result in other respects, the sympathy which had been expressed in several quarters, and especially from the most rev. Prelate (the Archbishop of Canterbury) who would do what was within his power to mitigate those inconveniences, would have a very beneficial influence.

Lord BROUGHAM replied: In rising at this hour, said the noble and learned Lord, and upon this kind of question, I think I may ask your Lordships whether you have not had enough of it? And I may venture to answer that question, both for you and for myself, in the affirmative. Nevertheless, though this question does not affect a very great body of our countrymen, it affects ten most respectable congregations — respectable both from their character, their

property, and their station in society. I must, however, begin by that which, perhaps, is the reason why I have risen to address your Lordships in reply at all—by taking notice of what has fallen from my noble Friend behind me (the Earl of Powis). I must give the most indignant denial to all that he has said respecting my conduct in the present debate, as in the slightest degree interfering with, or tending by possibility to interfere with, my judicial character in this House. I never heard, until he stated it, the fact of there being a cause in dependence before us. I, of course, never see the appeal list, except by accident from time to time: and even if I did see it, the names of the parties would be all I should see, and they would give me no information whatever with respect to the nature of the appeal. I, therefore, knew nothing whatever of there being any such cause under appeal before your Lordships; but even if I had known it, I appeal to every one of your Lordships present whether any one word that I said could tend in the slightest degree to commit me to any opinion whatever, upon any side of any question; for I gave no opinion. I purposely abstained from giving any opinion upon the question before you; much less could I give any opinion upon that which was not before you. I stand, therefore, as entirely uncommitted as if I had not presented this petition, or taken any part in this debate.

And, now, I must say a word with regard to my right rev. Friend upon the bench opposite (the Bishop of Oxford). He produced a catechism for the purpose of showing that there was no tendency towards transubstantiation in the doctrine of the Episcopal Church in Scotland. My Lords, you may prove anything by catechisms. The catechism quoted by my right rev. Friend, is not a document authorised by any synod, or by any assembly, even of this Scotch Church—mere sect of Dissenters. It is the private catechism of one bishop; and every bishop may have his own, which may differ from that of every other. I myself have seen, since my right rev. Friend addressed you, another catechism, of nearly the same date, in which anything rather than Protestantism is laid down, and which certainly does tend very considerably towards Romanism—I should say even towards superstition. Instead of taking the bread in the hand, between the finger and the thumb, the communicant is desired to lay his two hands across each other in the form of a cross, and to place the element upon one of them; and he is told at the same time, that this represents the King upon the cross. I mention this, without giving any opinion further than I have done, but for the purpose of showing how utterly futile any argument must be that is drawn from these catechisms. And, now, with regard to the principal argument of the right rev. Prelate—namely, that the Church in Scotland is a kind of extension of the Church of England, because it is in communion with the Church of England. I do not think that communion can be said to be very full which consists of the relation between the two churches that the Act of Parliament shows. I begged the right rev. Prelate to tell me what he meant by the "full communion," and he referred me to an Act of Parliament, saying he was afraid of being taken in—afraid of falling into a trap. My Lords, he is a priest and I am a layman, and if there is any party likely to fall into a trap, it is rather the layman than the priest. He talked as if he were the fowl, and we were the fox. I rather choose to reverse the denominations. But, now, what does the Act of Parliament, to which the right rev. Prelate refers me, show about communion? Why, absolutely exactly nothing—neither more nor less. But it shows this—that what he calls "full communion," is not very "full;" for all that the most rev. Prelate did, who passed the Bill through Parliament, was to give the Scotch clergy, ordained by the Episcopal Church in Scotland, the right to officiate in England two Sundays, and no more. I really cannot call this a very "full" communion between the two churches. But suppose it was otherwise. It is admitted now, upon all hands, that that Church in Scotland is no establishment, but is merely a dissenting body—a body of sectaries. Then, what becomes of the whole argument of the right rev. Prelate—namely, that the petitioners, and they who worship with them, are schismatics—are dissenters from some church—nay, I have heard them most absurdly called seceders from some church? My Lords, there can be no seceders from a dissenting body. The body that secedes, as it is called, is just as much the body as those who remain. There can be no schism in leaving a dissenting body. A schism from a church I can understand, but not a schism from a sect. Schism is separating from a church—from

some established body; and it is utterly ridiculous, and an abuse of terms, to denominate the differences of these petitioners from another dissenting body schism. Their schism consists in adhering to the pure and beautiful Liturgy of the Church of England — in refusing to sanction a communion service which essentially differs from that Liturgy — in refusing to subscribe the Thirty-nine Articles with a mental reservation which refers to a separate work (*Layman's Account of his Faith and Practice*). Theirs is a schism which will not allow of their departing from the Book of Common Prayer, to the "exclusive use" of which their clergymen are bound on oath. I am aware that my right rev. Friend interprets this oath as being binding only in this country. But, where, then, is the value of the oath? According to his view, clergymen are at liberty to use whatever liturgies they may choose in foreign countries—the missal itself when in Rome, or any fantastical composition which any one may think proper to invent and manufacture, however full of heresies and superstitious abominations. The argument by which he would escape from this oath is too metaphysical for me. I think it should be obeyed in its obvious and literal sense; and the parties who violate it by using another Liturgy than that of the Church of England are they who are justly chargeable with schism.

Another right rev. Prelate (the Bishop of Salisbury) gravely objected to my refusing to call the other body a church. I will not dispute about a term. If you choose to call it an episcopal church, be it so; but it is a dissenting church. You may as well talk of the Presbyterian "church" in England, where Episcopacy is established, or of the Baptist "church," or of the Unitarian "church," or of the Muggletonian "church," or of any other church. They are what we call "heresy and schism" here. In Scotland the schismatics and heretics are this Episcopal Church in Scotland, and the petitioners themselves. They are all schismatics and heretics with regard to the established church, for the only established church in Scotland is the Presbyterian Church.

As to my other right rev. Friend (the Bishop of Exeter) who says he is resolved to persist in his error, and call the body of Episcopal Dissenters in Scotland the Episcopalian Church of Scotland, I can but remind him that Lord Eldon never would suffer such an error to be committed, and uniformly interrupted whoever spoke of the Catholic Church of Ireland, requiring that it should be termed the Romish Church in Ireland.

My Lords, I cannot help rejoicing that I have brought forward this petition, and that the conversation, however inconvenient it may have proved to some, and however tiresome to others, has taken place, for what has been the consequence? Why, we have the avowal of the right rev. Irish Prelate (the Bishop of Cashel) that he takes part with the petitioners. We have the like avowal of my other right rev. Friend (the Bishop of Worcester) speaking also for another Friend, unfortunately absent (the Bishop of Norwich); and, above all, we have the most admirable, candid, and satisfactory statement of the most rev. Primate (the Archbishop of Canterbury), who says, as those whom I have mentioned also do, that they will have no objection whatever to recognise and receive clergymen who have officiated for the body of the petitioners, although they may come to them without any testimonial whatever from that other body of Dissenters, the Episcopal Church in Scotland. My Lords, this is no speculative question. It is no imaginary grievance. The grievance and the hardship are real and practical. My noble Friend behind me (the Earl of Galloway) has most distinctly, forcibly, and accurately stated the grievance. It is this. A gentleman receives orders in England. He goes to Scotland for two or three years; he officiates in one of the congregations there of the body to which the petitioners belong. He refuses, he conscientiously refuses, to join what is called the Episcopal Church in Scotland, because he cannot adopt its adulterated Liturgy, after having sworn to use our own pure form of prayer. He comes back to England and is presented to a charge in the diocese of a bishop, who refuses to receive him, unless he brings testimony from some Scotch bishop. He cannot be licensed to that charge; he is injured in his temporal, as well as in his spiritual, concerns, by this exclusion. And why is he injured? Because he refuses to enter into communication, or to communicate with, or to join the worship of, a body whose Liturgy he entirely and conscientiously disapproves. I have myself seen very lately one of the persons who has so suffered; and when I said to him, "As they do not require you to use

their Liturgy, why cannot you join with them, so as to get the testimonial?" His answer was at once a decisive one. "I cannot," he said. "It is not merely the using of their Liturgy that I object to, though that Liturgy must be used by every one that would be made either dean or bishop among them, but I positively object to sign their canons, which canons testify distinctly the approval of all their Liturgy, including the communion service; now I cannot conscientiously approve of, or join in, or sign my name to any approbation of a communion service which, in my conscientious opinion, tends most distinctly towards Romanism. That is contrary to my principles and my convictions." This then, my Lords, is a plain and a great practical grievance. I shall trouble your Lordships no further. I have done my duty in bringing forward this question. Great benefit has resulted to the petitioners, and to those who are connected with them, from this discussion; and therefore I feel much satisfaction in having been made the means of bringing it before your Lordships. I earnestly hope that now there will be peace between these contrary sects. Nothing would give me greater satisfaction than to hear of their pacification. I trust that other Prelates will follow the example of the most rev. Primate (the Archbishop of Canterbury) by promising to remove the grievance of which the petitioners complain; and as to the "excommunications," the law courts will protect them from any injury of that kind.

Petition received, and ordered to lie upon the table.

House adjourned to Thursday next.

HOUSE OF COMMONS,

Tuesday, May 22, 1849.

MINUTES.] NEW WRIT.—For Warwick County (Southern Division), *v.* Evelyn John Shirley, Esq., Chiltern Hundreds.

PETITIONS PRESENTED. By Mr. Plumptre, from Wraxall, Somersetshire, against the Parliamentary Oaths Bill.—By Lord Dudley Stuart, from St. Pancras, Middlesex, for an Extension of the Suffrage.—By Mr. G. Hamilton, from Portadown, for an Alteration of the Church Temporalities (Ireland) Act.—By Mr. Milner Gibson, from Manchester, for the Clergy Relief Bill.—By Sir John Duckworth, from Exeter, against the Marriages Bill.—By Mr. Blair, from the Guardians of the Bolton Union, for an Alteration of the County Rates and Expenditure Bill.—By Mr. Portal, from several Places in the County of Southampton, for Repeal of the Duty on Malt.—By Mr. Busfeild, from Bradford, Yorkshire, for Reduction of the Public Expenditure.—By Lord Robert Grosvener, from the Guardians of the Barnet Union, for Rating Owners of Tenements in lieu of Occupiers; and from Harrow-on-the-Hill, for an Alteration of the Sale of Beer Act.—By Mr. Beresford, from Harlow, Essex, and from other Places, for Agricultural Relief.—By Sir E. Buxton, from Owners and Proprietors of Manors and Manorial Rights, against the Copyholds Enfranchisement Bill.—By Mr. Alderman Copeland, for an Alteration of the Friendly Societies Bill.—By Mr. Scrope, from a Public Meeting of the Working Classes of London, for the Establishment of Home Colonies.—By Mr. Villiers, from Wolverhampton, for Reform in the Medical Profession.—By Mr. Osborne, from the Guardians of St. Luke's, Middlesex, for Inquiry respecting the Metropolitan Police.—By Mr. Anderson, from Kirkwall, for Reform of the Parochial Schools (Scotland).—From the St. Ives Union, Huntingdonshire, Superannuation Fund for Poor Law Officers.—By Mr. Masterman, from the City of London, for the Suppression of Promiscuous Intercourse.—By Mr. Tennent, from Belfast, for the Abolition of Queen's Plates; also for the Suppression of the Slave Trade.—By Mr. Cobden, from Lanidloes, Montgomeryshire, for an Alteration of the Small Debts Act.—By Mr. Lushington, from Westminster, against the Removal of Smithfield Market.

THE FRIENDLY SOCIETIES BILL.

MR. POULETT SCROPE said, that, seeing his hon. Friend the Member for South Wiltshire in his place, he wished to ask him the question of which he had given notice, whether the Bill on Friendly Societies, which he had introduced, would have the effect which was apprehended in some parts of the country, of depriving all societies of the management of their own affairs, and of taking possession of their funds for the use of the Government? His object in asking the question was simply to allay a most unfounded and absurd alarm which prevailed among some of the members of friendly societies, and which he understood had already induced some of them to withdraw their funds from the savings banks in which they had been lodged.

MR. SOTHERON said, he was very much obliged to his hon. Friend for putting the question, because he happened to know that a most groundless alarm existed in some parts of the country, to the effect that the Bill which he had introduced would tend to deprive these societies of the management of their own affairs. He had been told that because the actuary of the Commissioners for the Reduction of the National Debt was mentioned in one of the clauses, it was supposed that the intention was to take away from the parties the management of their own money, in order to apply it to the reduction of the national debt. As he knew that the persons who conducted the affairs of these friendly societies in many parts of the country were uneducated, and very little accustomed to read Acts of Parliament, he was glad to have this opportunity of stating that the object of the Bill was to enable the members of friendly societies to ascertain for themselves their real condition, and if they

found that their funds were not in a satisfactory state, they could then have them investigated.

Subject dropped.

THE DERBY DAY.

The MARQUESS of GRANBY was proceeding, pursuant to notice, to move the adjournment of the House over this day, when

MR. MILNER GIBSON rose and begged to ask Mr. Speaker what was the rule of the House relative to notices of Motion, and whether there was anything in the noble Marquess's Motion to take it out of its turn?

MR. SPEAKER said, that it had always been the practice of the House to entertain Motions for the adjournment of the House before entering into the ordinary Motions of the day.

The MARQUESS of GRANBY said, that in submitting to the House the Motion of which he had given notice, he should need but few words to explain its object. Gentleman who did not usually attend race courses were yet aware that to-morrow was "The Derby Day." He submitted his Motion for adjournment with full confidence, because it had been the custom of that House from time immemorial. Why, it had been carried in the previous year by a majority of thirteen, a majority in which the Prime Minister voted. He regretted that he did not then see the noble Lord in his place. The noble Lord had supported the Motion of last year on the ground that the Derby was a grand national fête, and he (the Marquess of Granby) now repeated it on similar grounds. Epsom Downs were open to all ranks, rich and poor, where they met once a year—he wished they did so much oftener—for a common purpose, namely, to enjoy the fresh air, and participate in a great national sport. Perhaps he might add, that although the House had usually two holidays in the Session, they had this year, in consequence of Her Majesty's birthday falling on Saturday, been deprived of one. He would wish to submit to hon. Members who were inclined to oppose the Motion, that they thereby prevented, not only themselves from attending, but those who were not able to act otherwise than as the House decided —namely, its officers.

On the question being put,

SIR G. GREY said, the question was one on which the House should rather express its own opinion than call for one on the part of the Government. He was certainly not prepared to agree to the Motion on the part of Her Majesty's Government, unless the general opinion of the House appeared to be in favour of it. When his hon. Friend the Member for Staffordshire the other day suggested an adjournment over Ascension Day, he (Sir G. Grey) told his hon. Friend in private that he did not think there were sufficient grounds for doing so, and he should feel bound to make the same answer now. If the hon. Gentlemen who had Motions for Wednesday were not anxious to press their Motions forward on that day, he did not think there was any necessity of imposing on Mr. Speaker the duty of attending; but if those hon. Gentlemen wished to bring on their business, the House would not be discharging its duty if they did not meet.

MR. AGLIONBY said, he was determined to take the opinion of the House on this question. He knew no reason why the Derby should take precedence of public business, and as he had a very important Bill standing for to-morrow, the Copyhold Enfranchisement Bill, he was determined, if possible, to persevere with it.

MR. SHARMAN CRAWFORD said, he felt it to be his duty to support the hon. and learned Member for Cockermouth in opposition to this Motion. He found that there were six Bills on the Votes for to-morrow, and he thought it would not be creditable to the House to adjourn with so much public business before them. He denied that it was an immemorial custom, or one of more than a few years' standing, to adjourn over the Derby day.

MR. C. ANSTEY suggested to the hon. and learned Member for Cockermouth that it would be only wasting the time of the House to press his opposition to a division. The hon. and learned Member was mistaken if he supposed there would be a House, as the majority of Members opposite, however they might vote on this question, would go to the Derby, and the Members on that (the Opposition) side would, unquestionably, be all there. The only object which the hon. and learned Gentleman could attain by his opposition would, therefore, be to bring down Mr. Speaker at twelve o'clock, and oblige him to wait until four o'clock to declare that there was no House.

MR. REYNOLDS said, it was not his intention to oppose the Motion, provided he got a favourable answer to a question which he wished to ask the noble Lord at

the head of the Government. Although "Chatterer" was a great favourite on the turf, he was not a favourite in that House. He was admitted to be a horse of great speed, and exceedingly long-winded. It was quite clear that the hon. and learned Member for Cockermouth had not made up a book, and he was deeply sorry that the hon. and learned Member had not done so; because Chatterer was an Irish horse, and he would be happy to see his hon. and learned Friend increase his circulating medium by betting on that horse. He wished to know from the noble Lord whether Her Majesty's Ministers intended going to the Derby, as in that case he should not oppose the Motion, or whether they were content with having won a Derby on their own account elsewhere, the night before? He was astonished that the House should be so ready to devote an entire day to horse-racing, and yet that they should have shown such impatience a short while ago, when he had put a question involving the saving of the lives of his fellow countrymen. The House always attached more importance to such questions as that of transporting a few pieces of ordnance to Sicily than to the sufferings of the Irish people.

Motion made, and Question put, "That this House will, at the rising of the House this day, adjourn till Thursday next."

The House divided:—Ayes, 138; Noes, 119: Majority, 19.

List of the AYES.

Adderley, C. B.
Anson, Visct.
Anstey, T. C.
Arkwright, G.
Arundel and Surrey, Earl of
Bailey, J.
Baillie, H. J.
Bankes, G.
Barrington, Visct.
Bass, M. T.
Bateson, T.
Beckett, W.
Bennet, P.
Beresford, W.
Berkeley, hon. G. F.
Blackall, S. W.
Blair, S.
Bourke, R. S.
Bremridge, R.
Brisco, M.
Brooke, Lord
Brooke, Sir A. B.
Buck, L. W.
Buller, Sir J. Y.
Caulfeild, J. M.
Chaplin, W. J.
Charteris, hon. F.
Chichester, Lord J. L.
Christopher, R. A.
Christy, S.
Clements, hon. C. S.
Clive, hon. R. H.
Clive, H. B.
Cochrane, A. D. R. W. B.
Conolly, T.
Copeland, Ald.
Corbally, M. E.
Cubitt, W.
Dalrymple, Capt.
Dick, Q.
Disraeli, B.
Drumlanrig, Visct.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Dundas, G.
Dunne, F. P.
Du Pre, C. G.
Estcourt, J. B. B.
Farrer, J.
Filmer, Sir E.
Fitzroy, hon. H.
Foley, J. H. H.
Forester, hon. G. C. W.
Fox, S. W. L.
Freestun, Col.
Frewen, C. H.
Fuller, A. E.
Galway, Visct.
Gaskell, J. M.
Goddard, A. L.
Godson, R.
Gooch, E. S.
Gore, W. R. O.
Grogan, E.
Grosvenor, Lord R.
Gwyn, H.
Halford, Sir H.
Hallyburton, Lord J. F.
Hamilton, J. H.
Hamilton, Lord C.
Henley, J. W.
Herbert, H. A.
Herbert, rt. hon. S.
Herries, rt. hon. J. C.
Hildyard, T. B. T.
Hope, Sir J.
Hornby, J.
Houldsworth, T.
Hughes, W. B.
Jocelyn, Visct.
Jolliffe, Sir W. G. H.
Kerrison, Sir E.
Lascelles, hon. E.
Lascelles, hon. W. S.
Lemon, Sir C.
Lewisham, Visct.
Lindsay, hon. Col.
Loch, J.
Lopes, Sir R.
Lygon, hon. Gen.
Manners, Lord C. S.
Matheson, Col.
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Milner, W. M. E.
Morgan, O.
Mundy, W.
O'Brien, Sir L.
O'Connell, J.
O'Connell, M.
O'Connor, F.
O'Flaherty, A.
Oswald, A.
Packe, C. W.
Paget, Lord G.
Pakington, Sir J.
Palmer, R.
Pinney, W.
Powlett, Lord W.
Renton, J. C.
Repton, G. W. J.
Reynolds, J.
Richards, R.
Sandars, J.
Seymour, Sir H.
Seymour, Lord
Sidney, Ald.
Slayney, R. A.
Smyth, Sir H.
Somers, J. P.
Sotheron, T. H. S.
Stafford, A.
Stanton, W. H.
Stuart, J.
Sturt, H. G.
Tancred, H. W.
Taylor, T. E.
Trollope, Sir J.
Verner, Sir W.
Villiers, Visct.
Villiers, hon. F. W. C.
Vyse, R. H. R. H.
Walpole, S. H.
Willoughby, Sir H.
Wodehouse, E.
Worcester, Marq. of
Wyvill, M.

TELLERS.

Granby, Marq. of
Newdegate, C. N.

List of the NOES.

Adair, H. E.
Adair, R. A. S.
Alcock, T.
Anderson, A.
Baines, M. T.
Berkeley, C. L. G.
Birch, Sir T. B.
Bouverie, hon. E. P.
Bright, J.
Brotherton, J.
Brown, W.
Busfeild, W.
Buxton, Sir E. N.
Cardwell, E.
Cavendish, hon. G. H.
Childers, J. W.
Clerk, rt. hon. Sir G.
Clifford, H. M.
Cobden, R.
Colebrooke, Sir T. E.
Colvile, C. R.
Crowder, R. B.
Denison, E.
D'Eyncourt, rt. hon. C. T.
Douglas, Sir C. E.
Drummond, H.
Duncan, Visct.
Duncan, G.
Elliot, hon. J. E.
Evans, Sir De L.
Ewart, W.
Fagan, W.
Fergus, J.
Forster, M.
Fox, W. J.
French, F.
Gibson, rt. hon. T. M.
Glyn, G. C.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Granger, T. C.
Greenall, G.
Greene, T.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Haggitt, F. R.
Hardcastle, J. A.
Harris, R.
Hastie, A.
Hastie, A.
Heald, J.
Heywood, J.
Hill, Lord M.
Horsman, E.
Howard, Lord E.
Howard, hon. C. W. G.

Humphery, Ald.	Portal, M.
Jervis, Sir J.	Pugh, D.
Kershaw, J.	Ricardo, O.
King, hon. P. J. L.	Russell, Lord J.
Labouchere, rt. hon. H.	Russell, F. C. H.
Lacy, H. C.	Salwey, Col.
Langston, J. H.	Scholefield, W.
Lewis, rt. hon. Sir T. F.	Scrope, G. P.
Lincoln, Earl of	Simeon, J.
Lushington, C.	Smith, rt. hon. R. V.
Mackinnon, W. A.	Smith, J. B.
Macnaghten, Sir E.	Somerville, rt. hon. Sir W.
M'Gregor, J.	Stansfield, W. R. C.
Maitland, T.	Stuart, Lord D.
Mangles, R. D.	Thicknesse, R. A.
Matheson, A.	Thompson, Col.
Maule, rt. hon. F.	Thompson, G.
Melgund, Visct.	Thornely, T.
Mitchell, T. A.	Tufnell, H.
Molesworth, Sir W.	Tynte, Col. C. J. K.
Monsell, W.	Vane, Lord H.
Morris, D.	Verney, Sir H.
Mowatt, F.	Villiers, hon. C.
Mullings, J. R.	Wawn, J. T.
Nugent, Lord	Westhead, J. P.
Ord, W.	Willcox, B. M.
Patten, J. W.	Williams, J.
Pechell, Capt.	Wilson, M.
Pendarves, E. W. W.	Wrightson, W. B.
Philips, Sir G. R.	Young, Sir J.
Pilkington, J.	TELLERS.
Plowden, W. H. C.	Aglionby, H. A.
Plumptre, J. P.	Crawford, W. S.

Mr. LABOUCHERE expressed a hope that the carrying of the Motion would not have the effect of preventing the private Committees from sitting on the following day, because it would be a great hardship and inconvenience to those who were in attendance upon the Committees if they should have to incur additional expense in consequence of all business being suspended upon the Derby day. He thought it extremely desirable that the Committee on Private Bills should at all events be afforded an opportunity of sitting on the following day, if they should feel so inclined, and he would propose a Motion to that effect.

Mr. AGLIONBY would not oppose the Motion, although he was very much inclined to ask where the difference lay between the transaction of private and public business upon the Derby day. He wished hon. Gentlemen opposite joy of the previous Motion which had been carried, but he would have been much better pleased at their triumph if they had allowed him to work upon the following day, and if they had gone themselves to the Derby. He hoped a Motion would be submitted that on every Derby day in every future year, the House should be adjourned. Hon. Gentlemen would then know what they were doing. For his own part, after the decision to which the House had just arrived, he never would venture, in any subsequent year, to oppose the Derby Motion. In conclusion, he had only to tell the hon. and learned Member for Youghal, that time was sometimes much less wasted in dividing than in speaking.

Mr. LABOUCHERE did not think that he was bound to answer the question of the hon. Member for Cockermouth further than to state that he had voted against the adjournment of the House upon the Derby day. As that adjournment, however, had been carried, he thought now that the private Committees should sit in order to save the expenses of private parties.

Leave to all Committees to sit to-morrow, notwithstanding the adjournment of the House.

DURATION OF PARLIAMENTS.

Mr. TENNYSON D'EYNCOURT rose to move for leave to bring in a Bill for shortening the duration of Parliaments. In doing so, he said it might be objected that there was no great number of petitions calling for the measure he was about to propose; but if hon. Gentlemen would turn their attention to what was passing out of doors, they would see that not a public meeting was held where the proceedings of the House were discussed at which the duration of Parliament and the increasing the responsibility of Members of the House of Commons were not made subjects of recommendation. He trusted he would not be charged with impropriety if, instead of waiting for the result of the agitation, or for any ebullition of public feeling, he at once brought the matter forward. It was declared in the Bill of Rights to be one of the rights of the people of this country that Parliament should meet as frequently as possible. In the year 1694, a sort of definition was put upon the term of their duration by the passing of the Triennial Act. But, of the ten Parliaments which followed the passing of that Act, nine averaged only about nine months each. He had suffered two entire Parliaments to pass since he last brought the subject forward, because the people had not presented petitions to the House upon the subject, and because they did not believe, nor indeed did he himself believe, from the constitution and complexion of those Parliaments, there was much disposition in them to give the question a fair and calm consideration. What the constitution and disposition of the present House were they should shortly see. But, at all

events, he had thought it his duty to put forward a claim for the restoration of their public rights to the people of this country. He did not say specifically that they should return to triennial Parliaments, or that it was a public right—it was an Act of Parliament; but by a public right he meant simply that Parliament should not be longer than was consonant with the feeling of responsibility that should lie upon the Members of the House. Having in the years 1834 and 1837 entered very fully into the question at large, and having then developed his views upon it—views which remained upon record, he did not mean to fatigue the House by going into a very long statement upon the present occasion. Formerly, the people of this country enjoyed annual, or rather sessional Parliaments. But in the reigns of the Tudors and the Stuarts, a usurpation on the part of the Crown took place, and the Crown took the liberty of extending the time of existence of the Parliaments. As he had already stated, it was in the year 1694 that the Triennial Act was passed, the object of which was to secure the subjects from consequences similar to those which they had suffered under from the preceding long Parliaments, owing to the servility of the Members to the Crown and the general corruption, which was the consequence of the removal of responsibility from the Members of the House of Commons. That Act was passed after William III. had actually once refused to give the Royal assent to it, and he should beg to be allowed to read a very few words from the very short preamble:—

"Whereas by the ancient law and statutes of this kingdom frequent Parliaments ought to be held, and frequent and new Parliaments tend very much to the happy union and good agreement of the King and the people, be it enacted, that Parliaments in future shall only last for the term of three years."

That Act continued in operation for twenty-two years, and he believed there were no statutes that more adorned the Statute-book, or had greater regard to the dignity of Parliament and the liberties of the people, than those passed during this period. But the Rebellion of 1715 was made a pretext for putting an end to the Triennial and passing the Septennial Act, for it was supposed that at the next election an attempt would be made on the part of those who supported the cause of the Prètender to return men who would endeavour to change the dynasty and restore the Stuarts. The passing of the Septennial Act, he contended, was a complete *coup d'état*, an Act of revolution; because, nothing could be more outrageous than that a Parliament elected for three years should vote its own continuance for seven years. It was only under the plea of extreme and urgent necessity that such an Act could be justified; but they would now assume that it was justified. It had been frequently alleged that the whole Act was null and void. He did not think so. He merely asked the House to consider whether it was a wise or an unwise Act. The two chief objections to the triennial Parliaments were, that they were more expensive than septennial ones, and that they were destructive to the peace and security of the Government. As to the first objection, it would not bear examination; and, for the second, the manner in which septennial Parliaments were made conducive to the security of the Government, had been so productive of the grossest profligacy and corruption within the walls of the House, and so disgusting to the people of England, that they merged the minor question of duration in the greater one of complete reform, and so effected finally the Parliamentary Reform Act. But so soon were the effects of the Septennial Act made manifest, that in 1734 Mr. Pulteney, and other Members of the House, who had supported it in 1716, voted against its continuance, and the Motion for its repeal was lost by a majority of only 63, in a House of upwards of 400 Members. The law was then suffered to remain; and so it did remain, until the conduct of the septennial Parliaments was such as to cause the cry for a general reform of Parliament. In that reform, two chief objects were sought for. One was the amendment of the representation of the people; the other, an increase of the responsibility of Members by more frequent elections. That was the unanimous decision of the question of Parliamentary reform. And his noble Friend at the head of the Government, in March, 1831, when introducing the question in the House, thought it necessary to make a statement at the close of his very luminous speech, to account for the omission of that very important branch of the subject, knowing that the whole country expected the two objects to be carried out together. His noble Friend said:—

"I cannot but take notice of some particulars in which, perhaps, this measure will be considered by many to be defective. In the first place, there is no provision for the shorter duration of Parliaments. That subject has been considered by His Majesty's Ministers; but, upon the whole, we

thought it would be better to leave it to be brought before the House by any Member who may choose to take it up, than to bring it in at the end of a Bill regulating matters totally distinct. Without saying, therefore, what is the opinion of His Majesty's Ministers respecting that question, which I myself think to be one of the utmost importance, and to deserve the utmost care in its decision, we shall keep the large measure of reform which this Bill comprehends, separate from every other question, and leave the subject of the duration of Parliaments to be brought before the House by some other Member at a future time. For my own part, I will only say, that whilst I think it desirable that the constituency should have a proper control over their representatives, it is, at the same time, most inexpedient to make the duration of Parliaments so short that the Members of this House should be kept in a perpetual canvass, and not be able deliberately to consider and to decide with freedom any great question. Sir, I do not think it behoves the people of a great empire to place their representatives in such dependence. What the point then is at which to fix the proper control of the constituency, I do not think it necessary to discuss at present. When the question comes under the consideration of this House, I shall be ready to deliver my opinion. I have now only to state, that the King's Ministers are satisfied that they ought not, on the present occasion, to propose any measure for shortening the duration of Parliaments, and that, in providing for a popularly elected representation, they ought to abstain from embarrassing that question with any other which is incumbered with its own doubts, difficulties, and obstacles."

That declaration of the noble Lord much consoled them at the time for the want for which he accounted, because they hoped that they would have his Lordship's support upon some future occasion, when some other Member might take the question up; and he (Mr. D'Eyncourt) accordingly brought it forward in 1833 and 1834. He was, however, still ignorant whether his noble Friend really thought seven years was the fit time for the duration of Parliament, for he had merely given as his reason for not voting for his (Mr. D'Eyncourt's) Motion, that there was no specific term mentioned in the Bill, and he asked him what term he proposed to adopt. He (Mr. D'Eyncourt) declined to name any term. He would not take the liberty of suggesting one, as he could not name anything but that which had been adopted into the constitution. In 1833 he had agitated this question, and his Motion had been met, not by a direct negative, but by the previous question. The majority against him on that occasion had been only 49. In 1834 he had again brought forward his proposition, when it was negatived by a majority of 50; and in 1837 the Motion was lost by only nine votes. The last Parliament sat for six years, and in the fifth year the corn laws were repealed, upon which occasion he recollected its being argued by hon. Gentlemen opposite that it was not wise to pass so important a measure when the Parliament was about to expire, as many hon. Gentlemen might have forgotten the promises and the pledges which they gave five or six years before on the hustings. He believed it would be for the interest of Parliament, the country, and the Crown especially, that the governing body of the nation should have the confidence of the people; but how could they have that confidence if they did not afford the people frequent opportunities of exercising the elective franchise? No man could sit in that House without observing that the vast influence of the Crown in the Army, Navy, and civil departments exercised an influence more or less upon the votes of Members of that House, and it was, therefore, the more necessary to place in the hands of the people a counteracting influence by the frequent opportunity of election. He was satisfied that such a measure would do more than any other to give stability to the institutions of the country. He hoped his noble Friend would not say, as he did the last time, that the people were not calling for such a change, and that he saw no necessity for it. The absence of petitions or public meetings on the subject was no proof that it did not occupy the public mind. It was well known to be a measure most desired by the people generally, and he, therefore, called on his noble Friend to say whether he had other reasons for not considering it necessary, and whether he looked upon seven years as the golden time, and on no account to be altered. There was no other country in Europe in which the duration of Parliament was so long. In looking over the Sicilian papers that morning, he found it stated that the Sicilian Parliament was re-elected every four years. Why should it be seven with us? It had been three, and it was by a kind of fraud that it had been made seven. He called upon his noble Friend to accomplish the other main provision of reform by giving his sanction to a measure for shortening the duration of Parliament. He had only to say in conclusion, that if the noble Lord were to signify his readiness to accept five years as the Parliamentary term, he (Mr. D'Eyncourt) would be ready to consent to the proposition; but until he heard some such statement from high authority, he would

continue to urge his Motion for Triennial Parliaments.

LORD DUDLEY STUART: I rise, Sir, to second the Motion that has been made by my right hon. Friend. I consider this subject, Sir, one of the most important that can be discussed by this House, and I am well satisfied that it is one which the people out of doors feel a desire shall be discussed and carried. This is a subject which has claimed the attention of the House on former occasions, and one on which the House has heard many able arguments. But, perhaps, it has never been discussed precisely under the same circumstances, and therefore there is room to hope that, although it has not been carried formerly, it may now find favour with the House; and I am sure that the House by passing it into a law would find favour with the country at large. Upon former occasions when this question was brought forward — and it has been brought forward again and again ever since the Septennial Act passed, previous to the time when the Reform Bill was enacted—it was said and felt, that by shortening the duration of Parliament, and repeating the frequency of the appeal to the people, constituted as Parliament then was, was to do nothing but to make a reference to an oligarchy; and, since the great Parliamentary Reform Bill has been carried, whenever it was proposed to enact short Parliaments, we were always met by the appeal that a great change has just been made, give it time to work, give it a fair trial, and do not produce any additional alteration. That argument cannot be used now. I admit that it was an argument immediately after the passing of the Reform Bill. I felt it so much, that when my right hon. Friend first brought forward this question, I did not vote with him; I remained absent, and gave no vote, because I thought I would wait to see what would be the effect of that great measure of reform on the country. But now sixteen or seventeen years have passed away since that great measure—that great and peaceful revolution in the country—was carried. I ask hon. Members, do you think that the people are satisfied with the system under which we now live? Do you think that system is so perfect that there is no objection to it, and that it is looked upon by the people at large with entire satisfaction? I do not know what may be thought of it in the saloons and ball-rooms of this great metropolis, or in another place not far off, or, perhaps, on that race-course to which some hon. Gentlemen are so anxious to hasten to-morrow, to the disregard of the public business of the country; but I ask you to converse with the people on railways, in omnibuses, and steamboats; to go among the middle and trading classes of the community and the people at large, and see whether the people are satisfied with the constitution of Parliament as it now exists. I think, then, the argument which has been used, that we have made a great change, and that we ought to give it time to work, cannot now be renewed, because there has been time, and the system has been tried. There has been a great deal of controversy whenever this question has been brought forward as to whether frequent Parliaments were constitutional or not. Until the reign of Henry VIII. no Parliament was prorogued, and previous to that there were instances where there occurred one general election every year. For a long time the danger was, not that dissolutions should not be frequent enough, but that there should not be a sufficient frequency in the assembling of Parliament. Until that time no Parliament was prorogued, but Parliaments were always dissolved after one Session; but the Long Parliament of Charles and of the Commonwealth led men to see the necessity and importance of frequent elections, and the Bill of Rights at the Revolution claimed that Parliaments should be frequently holden as a part of the constitution. Immediately after the Revolution, in 1689—the first year after—a Bill was brought into the House of Lords for limiting the duration of Parliaments, but it was lost. In 1693, in the second Parliament of William III., a Bill passed the Lords, and went to the Commons. Great opposition was made to it, and endeavour was made to swamp it on the ground that the Lords were interfering with that which was particularly understood as affecting this House; but the current ran too strong, and even those who felt this keenly, even those who were indignant at this interference of the Lords, still felt the thing was so important that they were disposed and determined to give it their support. In 1693 Mr. Harley said, on this subject—

"The Bill is a plausible panegyric on this Parliament for its funeral oration;"

And Mr. Goodwin Wharton said, in the same year—

"I believe they (the Lords) thought not ill of this House; for only a good House will consent to such a Bill."

Again, Mr. Neale said, in February, 1693—

"It is objected 'that it came from the Lords.' A good thing sometimes may come. We are told 'this is not a proper time,' but I think, that in so good a reign such a good law is to be obtained."

Again, Colonel Titus said, in December, 1693—

"It is no objection that this Bill comes from the Lords. I fear not a good thing from them. We have had none a long while. The Lords prescribe us times when to meet, and when to be dissolved. St. Paul desired to be dissolved, but if any of his friends had set him a day he would not have taken it well of them. As for the disobligation to the people, good Parliaments they desire, and I never saw long Parliaments good ones. A picture new drawn may be like the person it represents, but in time the colours will fade, and it so alters from itself that no one can tell what it represents. If we would have a picture like, it must be new drawn."

The importance attaching to this subject was evinced by the pertinacity with which both Houses demanded it; and yet William III. resorted to that prerogative which has so very seldom been exercised in our constitution, and refused to give it the Royal assent. Yet it was again and again brought in; he could no longer oppose it. It has ever since been ardently desired by the people; and it was repealed twenty-two years after it had been the law of the land, in order to meet a temporary crisis and danger, which has long and for ever passed away. It is not for me, against the opinions of so many statesmen and able orators, to say there were not circumstances at that time which justified this most extraordinary measure; but it will be conceded that if it is to be justified at all, it is to be justified only and solely by the necessity of the case. Now, although the people acceded to it then, they have, from but a short time after the Septennial Act passed, never ceased to demand its repeal. In 1734, the first Motion was made on the subject, only 18 years after its enactment. Since then there have been I know not how many Motions on the subject. Alderman Sawbridge made an annual Motion on it for sixteen or seventeen years consecutively; and there are a great number of other men, well known in Parliament, who have brought forward this subject from time to time. It was brought on on the presentation of the famous petition of the friends of the people by the late Lord Grey, then Mr. Grey; and it has formed a part of every great scheme of reform, with the single exception of that which now exists. Now, this question is not open to the objections that are made to some other branches of reform. It is no innovation. On the first debate which took place on the subject, in 1693, it was said by Colonel Granville, "This Bill takes care of our constitution; it does not innovate it." It was not an un-English or revolutionary measure, as the ballot has been said to be, because it involved no new principle. Now, after this Bill has been passed through all the branches of the Legislature, and has endured as the law of the land—and that during the most glorious part of our history—for twenty-two years, it is no innovation—it is not un-English, because it was brought forward and passed by some of the best Englishmen that have ever lived. It is no revolutionary measure, because it involves no new principle. The principle that there shall be a limit to the duration of Parliaments independent of the will of the Crown, is now in full operation. Now, it is only a question of degree; it is, in point of fact, a question whether you will have a real or a sham representation; for I contend that the Parliament which is not so frequently elected as that the Members of it should undergo continual—though not a tyrannical — control from their constituents, is not, and cannot be, a real representation of the people. It was said long ago in the old books, that it is better that the King should rely on his people than his Ministers — not excepting the present Ministry—and that is a sentiment which I cordially adopt. It is as good in the reign of Victoria as it was in the reign of William and Mary. Let Gentlemen only reflect on what is passing, and on what has been passing in the last year and a half, on the Continent, and let them ask themselves whether it is not of the utmost importance that the Legislature should be a full, fair, and real representation of the people. One trembles when one thinks what evils and dangers await the country, where those who call themselves, or are called, the representatives of the people, are not really so. Look at what happened in France. Louis Philippe had large majorities in his Chambers of Deputies and of Peers, and yet those Chambers did not represent the people; and in a moment he was hurled from his throne, and the country was thrown into anarchy and confusion

and left without a Government, because the Legislature, instead of being a fair representation of the people, was nothing but a delusion, a mockery, and a snare. Now, one argument against short Parliaments is, that short Parliaments will occasion a greater degree of expense; and one of the reasons for the Septennial Act, as alleged in the preamble, was, that larger sums were spent, and greater heats and animosities occasioned, by elections than had ever been known before. Why, will any one contend that the heats, the animosities, and the extravagant expenditure, which occurred during the twenty-two years of triennial Parliaments, can be compared for one moment to either the violence or the extravagance which has existed since, under the Septennial Act? Did Gentlemen ever then go to that extravagant pitch of expenditure that we have seen since? Was there then anything like the violence and bloodshed which we have known, even in our times, under the Septennial Act? Do any Gentlemen remember what has occurred with respect to different elections, the enormous sums of money that have been squandered in many cases to the ruin of great families, who have for fifty years afterwards felt the consequences? In 1768 there was a famous contest for the borough of Northampton—not in one of the largest constituencies of the country, but for a moderate-sized town. On that election the influence of three noble Lords was brought to bear—the Earl of Northampton, the Earl of Halifax, and Earl Spencer. Two of them spent 150,000*l.* each, and the third, 100,000*l.* There was 400,000*l.* spent on a contested election for one borough; and that was under the Septennial Act, which was passed in order to diminish the expenses at elections. There were two reasons, then, for passing the Septennial Act: one was to prevent the danger arising from the machinations of the Pretender; and the other, to diminish the expenses at elections. The one has completely and entirely passed away; and for the other the Septennial Act has proved wholly inefficacious. I say, then, it is time to do away with it. As to the expense being greater in shorter Parliaments, I think it is doubtful whether that would be the case; but, perhaps, if you take a term of 50 or 100 years, there would be more frequent elections of the whole House, and larger sums of money would be spent; but then it is not that large sums shall be spent frequently, as that larger sums shall be spent less often. Happily, the extravagance of elections has now very much diminished, but that cannot be referred to the Septennial Act. The improvement in this respect is rather to be referred to the Reform Bill, which shortened the duration of elections from fifteen days to two, and then to one in boroughs; and this is a reason why we should remedy a contrary state of things with respect to elections. But it is not on the ground of economy that I support this Motion, and that I am anxious that it should be passed, but on account of the impossibility, as I believe, of without it obtaining a full, fair, and efficient representation of the people. That is to be the desideratum of all true reform. Without repeating the arguments which were to be found in the debates of our ancestors on this question, such as the well-known illustration of the manna from heaven, let me ask hon. Gentlemen if they do not think men in general are more likely to do their duty honestly and faithfully by their constituents if they are elected for three years, or for more than three, at a time? Have hon. Gentlemen never seen such things in their experience as a Member appearing on the hustings and making all sorts of promises of what he would do, and of the votes he should give, and afterwards find him act in a very different way, forgetting perhaps those promises, perhaps remaining away on important divisions, perhaps actually voting against those measures which he had promised to support, perhaps preferring to the business of this House the amusements of the chase or the battue, or travelling on the Continent, or going to the Derby—or any other amusement; and then, when he knew the time when Parliament must be dissolved was approaching, returning to this House and then perhaps, by some flashy Motion or speech, endeavour, and perhaps succeed, in winning back the good graces of his constituents, whose business he has during a length of time abandoned? Do not hon. Gentlemen think they would be much less likely to see such a spectacle during short Parliaments than long ones? Have you not seen men whose duty sits so lightly upon them, and whose conscience is so easy as to adapt themselves to the wishes of their constituents, when it suits their interest to do so? And would not such men also be disposed to vote against the wishes of their constituents, and according to the views of Ministers, when it

may suit their views? I know very well that the corruption which formerly existed has entirely passed away with regard to the Members of this House. I know that formerly Members used to receive bribes, and actually money used to be paid to them for their votes. There is no such thing now. [Mr. B. OSBORNE: There is a Committee now inquiring into the practice of bribery.] My hon. Friend says there is a Committee sitting to inquire into it; but I hope and trust that no such thing does occur; and all I can say is, that I shall not believe it until it be proved by any Member of this House. Still Members may be influenced, for all that, in various ways. We cannot say there is no danger at all that the patronage exercised by the Government shall exert any influence upon them. That patronage, be it observed, has of late years very much increased. We all know there are gallant Officers in this House who may expect appointments, or hon. Members may expect appointments for gallant gentlemen, their relatives; there are such things as appointing persons to ships; gallant officers sometimes are anxious—and are there not other ships besides those at the disposal of the First Lord? Are there not Lordships, commonly called Peerages; are there not baronetships, judgeships, inspectorships, consulships, and clerkships innumerable? All these things may certainly be supposed, and may at one time or other have an influence which perhaps they would not have, if Members were aware that they must very soon appear before their constituents. But then, by shortening the duration of Parliament, you in some degree interfere with the prerogatives of the Crown. In former days it has been objected that, by shortening Parliament, you increased the prerogatives of the Crown. Now, it appears to me that the theory of the prerogative of dissolving is not that the Crown should have the means of intimidating the Members of this House, and of saying, if you don't vote the same way as my Ministers, if you don't carry that measure brought forward by my Government, you shall be sent back to your constituents, and put to the risk, annoyance, trouble, and expense of a general election; but it means that when the Crown has a doubt whether the House does really represent the wishes of the people or not, then that the Crown may have the opportunity of dissolving, of ascertaining the fact. If you shorten the duration of Parliament, the Crown will still have that opportunity should it be required, and sometimes it is required in a very short space of time. William IV. dissolved a Parliament after it had endured only nine months, supposing that it did not faithfully represent the wishes of the people; and certainly it turned out that the supposition was well founded, because the Parliament, which was afterwards elected, passed that great measure of reform by a large majority which the former Parliament had refused to pass. But the Sovereign, under the triennial system, would have the opportunity of appealing to the people whenever it was thought necessary, while at the same time the people would have the opportunity of signifying their wishes every three years. It may be also observed that as a Parliament elected for a short time is much more likely to represent the wishes of the people than a Parliament for a long time, it is much less likely that the Crown will resort to this exercise of its prerogative. I might also observe that short Parliaments appear to be of consequence with regard to the House of Lords. I am not one of those who look upon that institution with any degree of hostility; I am for the constitution of England —Queen, Lords, and Commons; and I would preserve to the two first branches of the Legislature all their just rights, while I would make this House a real representation of the people. The House of Lords are supposed to have what are called more Conservative tendencies than this House; they are less disposed to change, and have often incurred considerable odium for resisting measures which this House has desired; and it is said that the House of Lords has been frequently a clog on the wheels of the State, when advancing in the path of improvement. I confess for myself that I believe that that clog, or drag, is not without its advantages, and often proves salutary. I am, therefore, not disposed to object to the interference of the House of Lords on measures about which I feel most warmly, for I have observed that that House, whenever the House of Commons has declared its opinion, or contended for any length of time in a decided manner, so as to show what are the wishes of the people, the House of Lords, as experience shows, has never continued its opposition to the wishes of the people. But this House does not really represent the people. Now, as to the term which Parliament ought to endure, I am not wrong in supposing that my hon. Friend wants to re-enact triennial Parliaments; but the Motion is not for that; the

terms of the Motion are for leave to bring in a Bill to repeal the Septennial Act, and to shorten the duration of Parliament. I apprehend, therefore, that all Gentlemen who think that seven years is too long a term, may and ought to vote with my right hon. Friend. If there be any Member who thinks that five years is a better term than seven, he will vote with my right hon. Friend —but I apprehend that the people in general (at least I speak for myself) will think that the old system, which was the law of the land so long, which was adopted by our ancestors immediately after the revolution, is the term which it is best to adopt. Some hon. Gentlemen may be for a still shorter term—for annual Parliaments. I don't know whether there are a great many such in this House; but I would say to those hon. Gentlemen, vote for this Motion, if you are for annual Parliaments, for it is a step towards that which you want, and after that, if you can bring forward a good argument in your favour, that a Parliament elected for three years would be quite as likely to pass your measure as any one in the present system. But I don't suppose that there are many Gentlemen who will prefer annual to triennial Parliaments, although the noble Lord at the head of the Government is one, because last year, when my hon. Friend the Member for Montrose brought forward his Motion for a reform in Parliament, the noble Lord declared it as his opinion that annual would be better than triennial Parliaments. I don't think, though that was "open," that it was "advised speaking" on the part of the noble Lord; and I think if it came to a vote on the two, I should have his support of the proposition for a longer term. But I think that three years is the limit which would always secure the continual control of the people over their representative, at the same time that it is long enough to allow him to recover from the fever and excitement consequent on a general election. I, therefore, should be for triennial Parliaments. How triennial Parliaments would be supported, I do not know; of course not by those who are against all reform, and who take to the measure of reform which we have because they cannot help it. Neither by those who, having voted for the Reform Bill, think we have got quite enough of it, and now sail under the flag of finality. Nor do I know how the Government will meet this measure. It must be considered doubtful, for the noble Lord at the head of the Government has vacillated so much during his political life on this question, that he may be said fairly to have "boxed the compass upon it." First of all my noble Friend declared himself in favour of triennial Parliaments —he would vote for any measure that would limit the duration of Parliaments for three years; and then, when the Reform Bill was brought on, though triennial Parliaments certainly formed no part of that measure, yet the mode in which the noble Lord referred to that subject, in bringing on that measure, was such as that any man might consider him as holding out an intimation that if any independent Member of Parliament proposed such a measure, the noble Lord would not be averse to it, although he did not think it proper to make it part of his great scheme. In 1833 came the Motion of my right hon. Friend. The noble Lord opposed it in the most violent terms, declaring that "it was incompatible with the maintenance of the constitution and the stability of the monarchy." Afterwards, in 1834, he contented himself with giving a silent vote against it; and in 1837 he thought the country did not require the change; and last year, on the Motion of my hon. Friend the Member for Montrose, he said, sooner than triennial Parliaments he would have annual Parliaments. [Lord J. RUSSELL: I was against both.] I knew the noble Lord had said he was against both; but the impression left on the public mind has been that he preferred annual to triennial Parliaments, and it made a great impression on the country. Now, I would appeal to all those who are in favour of progressive reform, to those who wish to see this country governed, not by a faction, but by public opinion—who wish to carry out the spirit of the Reform Bill—who wish to destroy all abuses in the Church, in the Army, in the representation of the people, and in every other department—I would appeal to men of all descriptions, to vote for the repeal of the Septennial Act, for that repeal which has been demanded by the people for upwards of 100 years—which has always been understood to form part of every great scheme of reform—which has been advocated by a Chatham, a Pitt, a Fox, a Romilly, and a Macintosh —which is not revolutionary—which is no innovation—which interferes with no other measure of reform, but, on the contrary, promotes and completes all the others, and which, more than any other single measure that can be named, by placing this House in constant harmony with the people, tends

to the security of the Crown, and the well-being of all orders of the nation.

Lord J. RUSSELL: Sir, I consider that, in fact, this is a Motion for shortening the duration of Parliament to a term of three years. My right hon. Friend, in introducing his Motion, stated that such was his intention. He said, also, that if the Government would propose a measure for limiting the duration of Parliament to five years, he would accept that proposition; but that, for himself, he would not descend from the position he had taken, as he considered that on ancient constitutional grounds the people of this country were entitled to triennial Parliaments. Sir, I see no reason why this question should not be calmly discussed. My right hon. Friend says that there is not much agitation in the public mind on this subject; and my noble Friend who spoke last says that persons who are to be found in omnibuses, steamboats, and other modes of public conveyance, give expression to their feelings on this subject; but I doubt whether those persons are to be very often found desiring to shorten the duration of Parliament, or believing that any public grievance can be remedied by adopting that course. With respect to the general expression of discontent referred to, I am not inclined to attach much importance to the usual expression which we hear, that "there is much to be found fault with, and much which requires amendment." I remember a person of considerable talent—an Englishman, who had passed much of his life abroad—once saying, that if a man came to this country shutting his eyes and opening his ears, he would consider this the most miserable nation in existence; but that, if he took the other course, of shutting his ears and opening his eyes, he would consider it the happiest. Such, I think, is the general disposition in this country; such is the disposition from which much amendment flows. My right hon. Friend says that, owing to the want of general excitement with respect to this particular subject, he has not made the Motion for the last twelve years, and implied a sort of threat that if this Motion were rejected he would not again bring it forward for a similar period. I confess I think he takes a very prudent and wise course, and, trusting, as I do, that he will not be in the majority to-night, I hope he will allow twelve years to pass before he brings it, calmly and ably as he has done, under the consideration of the House. My right hon. Friend, and the noble Lord who followed him, went into the history of the duration of Parliament, and they spoke of the ancient Parliaments not usually exceeding one year. The reason of that, I think, is obvious, and will not well support the Motion before the House. In those ancient days to which they referred, it could not have been considered by persons to be an object of ambition to come to Parliament, and to be taken away from their business and occupations. Such persons were glad for another Session of Parliament to come round, in order that the burden of representation might be imposed upon others. With respect to later times, to which the right hon. Gentleman referred, when he says that at the time of the Revolution it was an object to have new Parliaments, I think he should bear in mind that, although it was considered desirable to have frequent Parliaments, yet that it was considered most desirable that there should be no lengthy intermission of Parliaments. In the Triennial Act, accordingly, one of the principal clauses provides that if a Parliament shall be dissolved, another shall be called within three years at least. That shows that the grievance against which our ancestors thought it necessary to provide could not be one at the present time, as, by various laws in existence, it is impossible that Parliament should be intermitted for one whole year. But the grievance of our ancestors was different from that complained of by my right hon. Friend. It was enacted, however, in 1694, that a new Parliament should be summoned every three years. It was the great object of the popular party of that time—an object to which King William was brought to give his consent with great difficulty. But, after the experience of twenty-one years, we find that that very popular party which had been most instrumental in carrying that measure, were those who most complained of its operation; and in this respect my right hon. Friend has hardly given full weight to their complaint, as embodied in the intended Act. The framers of the Septennial Act not only state that expenses at elections had become greater, but that more "violent and lasting heats and animosities between the subjects of this realm had been occasioned, than were ever before known" by the triennial clause. Now this, I think, might be very well the case with triennial Parliaments then, and might

be the case if you establish them once more. You find not only that there were greater expenses at elections, but that the expenses would be more continuous, because, being frequent elections, persons interested in them would have to keep up the registries at a continual expenditure. Such, then, is the result of experience as to triennial Parliaments, and these were the grounds for the change, so far as the present long duration of Parliament is concerned. There was a part of the Bill which made this permanent change. There was another part which provided that the then existing Parliament should continue. The reason for the latter was temporary, that excitement was created in the country by the Jacobite party, which was endeavouring to restore the House of Stuart. For the temporary evil this was the temporary remedy; while the permanent alteration was introduced for two permanent reasons, which are found expressed in the preamble. You have the question before you tested by the experience of that of which our ancestors tried the effect, the very measure which they rejected, but you now recommend. Our ancestors found the medicine they had tried to be noxious and injurious, and they decided upon discontinuing it. But it appears to me that there are other considerations which should have very great weight in the determination of this question. My right hon. Friend who makes this Motion, asks me whether I am now prepared to state that I think seven years the best term for which Parliament should endure? After the experience we have had for the good many years which have elapsed since the passing of the Reform Bill, I am prepared to state my decided opinion that we had better not alter the present term for which Parliament now endures. I think if we had triennial Parliaments—and it might often occur that there would be a dissolution at the end of the second year—that you would find that during the first year a great deal of time would be lost by reason of the inexperience of new Members, by the unnecessary prolongation of debates, and by the anxiety of Gentlemen who had not hitherto had seats in Parliament to take part in the deliberation. You would find, with respect to the third year, a disposition to decide upon any question which might have an immediate effect upon the general election then pending. Now, I ask any Gentleman who has any recollection of the last three years, whether some of those evils would not be found to exist in the last and first year? This consideration is of more importance at the present time than it was in the days of our ancestors: if we reflect upon the quantity of public business which they transacted, the number of their measures, and the scope of their administrative duties, as compared with the labours which this immense empire at this moment enjoins—speaking, as we do, one day of India, another day of Canada, then turning our attention to home, and discussing whether our commercial policy is sound; at another time (the greater part of our time) discussing the affairs of Ireland, and the various questions of administration and legislation. Seeing this, I think it would be difficult to exaggerate the importance of this House being made a House of practical business; and I think, for the reasons I have stated, that triennial Parliaments would not add to our efficiency in that respect. But I admit that these advantages would be too dearly bought, that it would be too great a price to pay for them, if we found that the opinions of constituencies and of the public at large did not sufficiently influence the opinions and conduct of this House. My opinion, however, based upon my experience of this House since the passing of the Reform Bill, is, that there is that general attention paid to the wishes of constituencies which you would desire—that public opinion has fully as much influence as it ought to have on the votes and transactions of Members of this House; and that if you carried it to a much greater extent, you would find that, instead of Members of this House voting in favour of a measure which they thought was for the public good, and on which they entertained a strong and decided opinion, in too many instances they would be found sacrificing that opinion, and deferring to what might only be a temporary and transient opposition among the body of electors who sent them to Parliament. I have seen many instances in which I am sure Members have voted against the opinions of their constituents at the time; but when those opinions came afterwards to be tested, the constituencies have admitted that their representatives had worthily and properly discharged their duties, and they have sent them to Parliament again, in the full confidence that they would again discharge their duties for the public benefit. I do not know that it is necessary to quote any instances of this kind; but I think

that the Bill introduced some three years ago with respect to Maynooth is a case in point. I never knew more clamour than was raised against that Bill. Innumerable letters were received by Members of this House, myself included, stating that they would not be supported again if they voted for that Bill. But the discussion went on; Members of this House did their duty—and I believe they did their duty in voting for that Bill—in resistance to that clamour. I believe that public opinion, in the end, was satisfied that the measure was a right and a wise one, and that independent Members had done their duty by the course they had taken on that measure. But I do not think this would be the result if you so greatly shortened the duration of Parliament. With respect to another part of the question, my right hon. Friend and the noble Lord urge that there are greater means of corruption with respect to long Parliaments than short ones. My right hon. Friend does not give any reason for that opinion. I do not myself believe, considering the force of public opinion in this country at this time, that the influence of the Crown could be exerted in such a way as to interfere with the independence of Parliament. For my own part, I think that such an influence would have greater effect upon a short than upon a long Parliament, for the Members of the latter become sensible of the disappointment to which reliance upon such patronage subjects them. I certainly, then, come to the conclusion that there is no reason for disturbing the present Act prescribing the duration of Parliament in this country. As to whether six years—for that is the actual time—should be the precise period for which a Parliament should endure, I hardly think it necessary to offer an opinion. Whether it is actually five or six years, does not seem to me to be of very great importance. I certainly thought, at one time, that five years would be better than seven, although I do not remember, as my noble Friend says he does, my having expressed an opinion in favour of three years. At one time, as a general question, I thought five years preferable; but I do not think there is any sufficient reason for making a change which would merely diminish by one year the duration of the term of Parliament. I, therefore, do not think that six years is an excessive period. Six years, in fact, do not form the constant period for which Parliaments endure; for from 1826 to 1841, a period of fifteen years, there were no less than six Parliaments, being an average of two-and-a-half and another of three years' duration. Of course, if you diminish the duration of Parliament to three years, you curtail the prerogative of the Crown, which, in cases where parties on either side are equally balanced, and on other cases, can cause an appeal to be made to the people. You curtail that prerogative if you fix the limit at a shorter period than is now assigned. But my right hon. Friend says that in this respect we have a different duration of Parliament from other countries, and that, looking at the other countries of Europe, he cannot find the period for which the assemblies sit to be for the term of seven years—that five and four years is more frequently the limit to which the duration of a popular assembly extends. I am not disposed to quarrel with these new constitutions. Certainly we have seen the monarchy of France overthrown; we have seen the advisers of the Crown of that country exposed to violent popular disapprobation, and the throne itself perish beneath the general convulsion that ensued. But we have seen likewise that the form of government which succeeded to the monarchy did not establish itself in the popular opinion, and that those who, with the most brilliant talents, and the most unquestioned integrity, declared themselves supporters of the form of government then established, have fallen themselves, within only a few days, under the displeasure of the same popular opinion which overturned the monarchy. And if we look to other countries, we find, amidst their disturbances and contests, constitutions which have long subsisted overthrown and levelled with the dust, and men seeking about for some form of government to which they can attach themselves, and for some leader worthy and fit to guide them. Sir, I find no fault with those who, seeking a better form of political government, are exposed to these storms and conflicts. The imperfect forms under which they have long lived, may have rendered such struggles and lamentable contests neces sary and inevitable. But I rejoice myself that we have long ago passed through such contests; and I am not ready to imitate any part of those institutions which I see so little trusted, which I see still so uncertain, and still so little likely to endure. Far be it from me to say that it is agreeable to stand on the shore and behold with indifference the efforts or the dangers of those who are labouring amid the tempest;

but, on the other hand, when I see the storm raging, and the bark of others struggling amidst the winds and the waves, I am not ready to launch my vessel on the boisterous deep, to be exposed to the same storms and perils. My right hon. Friend must, therefore, excuse me if I am disposed at this time—whatever I may do at any other period—rather to cling to the security and advantages we already have, and not to be swayed by the prospect he holds out to me on the ground that other nations have no laws similar to those of which he speaks. I conclude, therefore, on this, as upon former occasions, by opposing my right hon. Friend's Motion; and I do not think that the duration of our Parliaments is at present too long. I think public opinion now exercises a very effective influence over the Members of this House; and that by having elections so exceedingly frequent as he proposes, you would lose much on the ground of public security, much on the ground of habits of business, much on the ground of the stability of our counsels, and the due deliberation of our measure; and that you would not gain, in public liberty anything to counterbalance the serious disadvantages to which I have referred.

MR. SHARMAN CRAWFORD said, that in discussing this question it was right to know what the constitution was—whether that House was to represent the people. If that was the constitution, then this House ought to be under the control of the people. But the people complained that this House did not fairly represent their wishes and feelings, and one of the causes why it did not was owing to the duration of Parliament. He did not deny that evils might arise and did arise from all forms of government; but the question they had to determine was, whether the public good would be best promoted by keeping the House of Commons under the control of the people. He maintained that it could not be under their control as long as Parliaments continued for seven years. It had been observed that this measure had not excited any strong popular feeling out of doors. The reason of that was, that this was but one of a series of measures which the people believed to be necessary for the amelioration of their condition. The principal of these measures was the extension of the suffrage, which they looked upon as the prime means of placing the House in the position of their real representatives. It was said, that the frequency of elections would increase the expenses. What those expenses were he could not tell, unless they were expenses for the purposes of corruption; and that was one of the reasons why he maintained that Parliament ought to be more frequent, for persons would be less likely to spend much money in corrupt practices when they knew they would be elected for only a short period. Again, it was said that the representatives of that House should not be under the control of the people. If that was so, then they ought to have recourse to that which was the practice formerly in Ireland—namely, elect the representatives for life. But that would be the very reverse of the constitution. He did not think that frequent elections would give rise to frequent changes in the persons elected. On the contrary, he believed that those who did their duty would have a better chance of being re-elected than under the present system, and that greater harmony and good feeling would exist between the representatives and the represented. He did not think it would be worth while to promote a change, for the purpose of establishing a five years' duration of Parliament; but, at the same time, as triennial Parliaments was the principle of the old constitution, and a step in the right direction, he was very willing to vote for the Motion.

Motion made, and Question put, "That leave be given to bring in a Bill for shortening the duration of Parliaments."

The House divided:—Ayes 46; Noes 41: Majority 5.

List of the AYES.

Adair, H. E.	Lushington, C.
Adair, R. A. S.	Mowatt, F.
Alcock, T.	Nugent, Lord
Berkeley, hon. H. F.	O'Connell, J.
Bouverie, hon. E. P.	O'Connor, F.
Bright, J.	Osborne, R.
Clay, J.	Pearson, C.
Cobden, R.	Pechell, Capt.
Crawford, W. S.	Pilkington, J.
Devereux, J. T.	Power, Dr.
Duncan, G.	Salwey, Col.
Evans, Sir D. L.	Scholefield, W.
Evans, J.	Somers, J. P.
Ewart, W.	Tancred, H. W.
Fagan, W.	Thicknesse, R. A.
Fordyce, A. D.	Thompson, Col.
Fox, W. J.	Thornely, T.
Gibson, rt. hon. T. M.	Walmsley, Sir J.
Granger, T. C.	Wawn, J. T.
Harris, R.	Westhead, J. P.
Hastie, A.	Williams, J.
Henry, A.	
Heywood, J.	TELLERS.
Humphery, Ald.	D'Eyncourt, C. D.
Kershaw, J.	Stuart, Lord D.

List of the NOES.

Abdy, T. N.	Lascelles, hon. W. S.
Adderley, C. B.	Melgund, Visct.
Baring, rt. hon. Sir F.T.	Milner, W. M. E.
Brown, W.	Mitchell, T. A.
Buller, Sir J. Y.	Mostyn, hon. E. M. L.
Campbell, hon. W. F.	Ogle, S. C. H.
Colvile, C. R.	Paget, Lord A.
Crowder, R. B.	Paget, Lord C.
Cubitt, W.	Power, N.
Elliot, hon. J. E.	Russell, Lord J.
Farrer, J.	Russell, F. C. H.
Fergus, J.	Rutherfurd, A.
Freestun, Col.	Slaney, R. A.
Grey, rt. hon. Sir G.	Somerville, rt. hn. Sir W.
Gwyn, H.	Stanton, W. H.
Halford, Sir H.	Willyams, H.
Hawes, B.	Wilson, J.
Herbert, H. A.	Wood, rt. hon. Sir C.
Howard, Lord E.	Wyvill, M.
Jermyn, Earl	TELLERS.
Jocelyn, Visct.	Tufnell, H.
Labouchere, rt. hon. H.	Ebrington, Visct.

Bill ordered to be brought in by Mr. D'Eyncourt and Lord Dudley Stuart.

THE WORKING CLASSES.

MR. SLANEY then rose to move for the appointment of a Standing Committee or unpaid Commission, to consider and report from time to time on practical measures (unconnected with political changes), likely to improve the condition of the working classes, to encourage their industry, and increase their contentment. He said this subject was one which he was sure would receive the consideration of Gentlemen of all parties, and he was bound to make out a strong case to induce the Government to accede to his Motion. What he had to fear was not an opposition of argument, but rather hon. Gentlemen's quietly withdrawing from the House to go to their dinners, and, by a process often resorted to, leaving him an auditory of such diminished and diminishing numbers, as would very soon subject him to a "count out." If such should be the case, he would not make use of any harsh words, but only say that he trusted good temper and a good cause would gain him a hearing on a future occasion on a question which he believed to be of vital consequence to the best interests of the great mass of the people. He wished to show the House, if it would only lend him its kind indulgence for a brief space, that whilst the rich and middle classes of this country had been going on improving, the condition of the humbler and most numerous orders of the population had undergone no corresponding amelioration. He would satisfy the House from facts that his assertions were only too true, and show them how the deteriorated condition of the working classes might be elevated by a gradual improvement in their legislation, which would not only inflict no injury upon the more favoured classes, but strengthen their security and fortify the interests of property. The working classes might be divided into two sections—the agricultural population and the labouring population in the manufacturing and other large towns. With regard to the great body of the peasantry of this country, let them cast their eyes back and see what had been their condition, and what it was now. In the year 1790 a Committee of that House was appointed to investigate their condition, and reported that abuses of the worst descriptions prevailed with regard to large bodies of the agricultural population in the southern counties, depressing their condition, and destroying their comforts and independence. Nothing, however, was done to remedy these evils. In 1824, and again in 1830, Committees were also appointed, who all reported in equally strong terms; but still nothing was done to remove the abuses complained of. In 1833 a Commission was issued to inquire into these subjects, which reported that the law was administered in a manner most destructive to the morals and comforts of the most numerous classes; and soon afterwards disturbances broke out in the southern counties, which forced the subject on the attention of the Legislature. The consequence had been that, in 1835, a law was passed, which, under the circumstances, had done away with much of the abuses, and effected some degree of improvement in those districts. But he would state the fact broadly, that these abuses had notoriously existed for a long series of years (after reports of the facts had been laid before Parliament and the country) in twenty-six counties, from the mouth of the Humber to the Severn, southwards. And what, therefore, was the inference? Why, that there ought to be some standing Commission, or department of the State, whose special business should be to watch over the condition of the working classes, and endeavour, when they were oppressed, or suffered from the operation of the law, to suggest measures for their benefit. When the labourer arrived at seventy years of age, his only prospect was a small dole from the parish-rate to help to eke out his miserable subsistence; and if he died, his wife also

had to depend on a small allowance from the same source. He (Mr. Slaney) wished to promote measures calculated to secure for the labourer an independent provision, derived from the wages he received from his employer. Turning next to the labouring classes employed in manufactures, mines, and in populous cities—this population had increased in double the ratio of the agricultural population within fifty years, whilst the rate of mortality had rapidly increased. The state of the unskilled labourers in populous places was most lamentable. In 1839, the Poor Law Commissioners' report stated the abject, miserable, and neglected condition of the dwellings of the poorer classes, and the pernicious effects to their health in consequence, in the eastern parts of the metropolis. In 1840, a Committee was appointed at his (Mr. Slaney's) suggestion, to inquire into the state of the health of large bodies of the population in the large towns, such as Dublin, Glasgow, Liverpool, Birmingham, Hull, and others. The report showed that contagious fevers and diseases prevailed to an alarming extent, and various other fearful evils, causing great expense at the same time to parishes and the more opulent classes; and stated that these evils might be removed, or greatly lessened, by proper sanitary regulations. Still, after that report, nothing was done. In 1842, Mr. Chadwick's general report on the sanitary condition of the poor showed that a great proportion of the deaths of the heads of families occurred from removable causes, their ages being thirteen years below the usual average duration of life. Still nothing was done — the evils still were suffered to prevail, not from the callousness or hard-heartedness of Parliament, but because there was no body in existence whose peculiar duty it was to look after these things and suggest remedies. In 1843, a commission was issued by the right hon. Gentleman the Member for Tamworth; and that commission's report completely confirmed the former reports on the same subjects. The commissioners inquired into the state of no less than fifty towns, with three millions of population—all the large towns in the kingdom, and reported that there was a general neglect in almost all populous towns of due regulations for the health and comfort of the working classes; and that severe and extensive evils followed in consequence, the removal of which was within the power and the duty of the Legislature. In 1845 a similar report was made; and he contended, equally in the case of the manufacturing and populous districts, as in the case of the agricultural districts, that if any body or commission had existed to discover adequate remedies, we would not have waited so many years till Bills were introduced to correct these wide-spread, appalling, and long-ascertained evils. Then the factory reports from 1830 to 1842 told a similarly distressing tale with regard to the reduced and sickly state of health and stunted growth of the children and young persons employed in factories, where no regard was paid to ventilation or cleanliness. In 1841 there was a report with respect to the hand-loom weavers, forming, with their families, no less than 600,000 persons; and it was stated that their condition, with the exception of those who were employed in coarse manufactures for domestic use, was a painful one, and that as a body they were in a state of distress. The commissioners went on to state that that evil must be obviated by their activity and intelligence in seeking other employments for themselves. He next begged to call attention to the report made in the year 1846 with respect to the condition of the railway labourers, forming, with their families, a body of about 600,000 persons, and said he considered that to remedy the evils to which he had called attention a commission should be appointed; that the functions of that commission should be rather suggestive than administrative, and that the constant attention of its members should be directed with a view to mitigate those evils. In the first place, they should look at the education of the children; and, secondly, attend to the preservation of their health. They should afford facilities to the labouring classes for providing against the contingencies constantly occurring to them, and likewise give them the means of preserving their small savings. With respect to the amount of education, in the year 1838 there was a Committee appointed to investigate that subject. They reported that the number that should be educated was one in eight; but what were the numbers educated? In East London, 1 in 27; in Birmingham, 1 in 38; in Manchester, 1 in 35; and in Leeds, 1 in 41—

Notice taken, that forty Members were not present; House counted; and forty Members not being present,

The House was adjourned at a quarter after eight o'clock till Thursday.

HOUSE OF LORDS,

Thursday, May 24, 1849.

MINUTES.] PUBLIC BILLS.—1ª Insolvent Debtors Act Amendment.

2ª Freemen's Lands; Accounts of Turnpike Trusts (Scotland).

Received the Royal Assent.—St. John's, Newfoundland, Rebuilding; Grants of Land (New South Wales); Land Improvement and Drainage (Ireland); Poor Laws (Ireland) Rate in Aid.

PETITIONS PRESENTED. From Swansea, for the immediate Liberation of Mr. Shore.—By the Earl of Yarborough, from Lincolnshire, Yorkshire, and Devonshire, for the Adoption of Measures for the Suppression of Seduction and Prostitution; also from Lincoln, for Extending the Jurisdiction of County Courts; also from Southampton, for a Repeal of the Malt and Hop Duties, and the Game Laws, for a Recognition of Tenant Right, and a Revision of the Taxation of the Country.—By the Earl of Harrowby, from Sheffield, and other Places, against the Granting of any New Licenses to Beer Shops.—From Newport, Isle of Wight, in favour of referring all International Differences to Arbitration by Neutral Powers.—By the Duke of Richmond, from Marlborough and Surrey, and by Lord Stanley and Earl Talbot, from the Isle of Man and Ramsey, against the Navigation Bill.

NAVIGATION BILL.

Order of the Day for the House to be again put into Committee, read.

House in Committee accordingly.

The first Clause having been proposed,

The EARL of ELLENBOROUGH rose to move an Amendment to the effect that the Bill, instead of coming into operation on the 1st of January, 1850, should come into operation on the 1st of January, 1851. Their Lordships had heard the prayer of the petition from the Committee of the General Shipowners' Society, which his noble Friend (Lord Stanley) had that evening presented to their Lordships, which prayed for an extension of the time for the commencement of the operation of this Bill; they had stated substantial reasons for their request. He was now about to move an Amendment in conformity with the prayer of that petition, and he requested the attention of their Lordships whilst he stated his reasons for so doing. He begged them to observe, in the first place, that his Amendment did not bear upon the principle of the present Bill; on the contrary, it was ancillary to it. It was admitted that one of the chief objects of the measure was to diminish the rates of freight; and it was contended that the greater was the competition between the shipping of foreign States and the shipping of this country, the greater would be the diminution of the rate of freight generally; and it was stated that the British shipowners had the means of diminishing their expenditure at once, so as to enable them to compete with the foreign shipowners upon equal terms, before the Act came into operation. That was altogether a misconception, because the foreigners employed to a greater extent than we do machinery as a substitute for manual labour, and their vessels are fitted with small sails and small masts, and it would take some time before the British shipowners could adopt the same economical means of navigation. In order to make due preparations for the operation of the Bill, time ought to be granted. The time afforded by the Bill was only seven months; but during that period a large number of British vessels would not have arrived from distant places abroad, and, therefore, there would be no means of making changes in the modes of sailing and manning them. In a foreign port they could not reduce the size of their masts and spars, nor the number of men on board their ships. Let their Lordships also observe what was the reduction in the number of men to be made by the owners of British vessels, to enable them to compete successfully with the owners of foreign vessels. It was computed that five men were employed in every British vessel to every 100 tons; whilst in the foreign vessel only three or four men were employed to the same amount of tonnage. It was likewise computed that the British shipowners now employed 230,000 seamen; but that number he conceived to be exaggerated. Assuming, however, the number to be 230,000, there must be a reduction of one-fifth of that number by the British shipowners, in order to place them on an equality with the foreigner; or, in other words, 47,500 British sailors must be thrown out of employment. He hoped that their Lordships, when they reflected that 47,500 British sailors must be thrown out of employment, in order to carry into effect the economical arrangements now proposed, would, in mercy to all the parties interested, give them a sufficiently long time for preparation, so that they might be absorbed gradually into other occupations by the reduction being made gradually too. He had observed that a large proportion of British shipping would not return from the voyages in which they were engaged before the 1st of January, 1850. He could not state with exactness what that proportion was, but it would include all the tonnage engaged in the Indian and Australian trade, which, from the great demand for shipping for California, might even undertake that distant voyage before it re-

turned to this country. If, by the 1st of January, 1850, their Lordships admitted foreign competition in ports at a distance from this country, from which British vessels could not depart before that day, they would bring into competition with them, even in such distant quarters as Calcutta, an immense mass of foreign shipping. There were not less than 200,000 tons of American shipping in California, which might return by the port of Calcutta, and there be brought into competition with the tonnage of this country; and he called upon the House to consider what would be the effect of this sudden competition from the Americans in the freight market of India upon the trade with Australia. Our own vessels carried out emigrants to that dependency, and they could only find return cargoes by going to the ports of India; but there again they would meet with American tonnage from California, and would be unable to find the remunerating freights they expected there. Upon these special grounds, he thought that Her Majesty's Government would be acting wisely if it consented to a considerable prolongation of the term proposed in the present Bill. There were, however, other reasons for it. Ministers had introduced into the Bill a clause enabling them, as a retaliatory measure, to impose certain prohibitions upon foreign vessels, in order to compel foreign Governments to grant to British subjects the same relaxations of commercial restriction which we were prepared to grant to them. He thought that it would be much better to accomplish this object by previous negotiations with foreign countries. Look at the condition of the nations of Europe at the present moment, and consider the disturbed position in which every one of them was now placed. Was there the slightest chance that, occupied as they then were with domestic dissensions, they would have time to attend to our commercial suggestions, and to make with us satisfactory commercial treaties? If then they wished to avoid retrograding in their course—if they wished to form fair, and equitable, and amicable arrangements with the foreigner, Ministers would want additional time for the purpose; for seven months were evidently not sufficient for the formation of so many and such important treaties. He, moreover, thought it advisable that this Act should come into operation during the sitting, and as it were in the presence, of Parliament, in order that Ministers might be stimulated to carry forward their negotiations with foreign Powers to a successful termination; but even under the operation of such a stimulus, the term of seven months would be insufficient for the formation of the necessary treaties, and he might even propose to prolong the period for negotiation to a later period than the 1st of January, 1851. He also contended that it was not fair to place the shipowners of a country where every article used in shipbuilding was subject to high duties, in competition with the shipowners of a foreign country where almost every such article was free from all duties whatsoever. He, therefore, considered that it was necessary for the shipowner of this country to reduce the high duties on timber and other articles which acted as a restriction on competition with foreign shipowners, on whom no such duties were imposed. But, as this could not be done in time for the first operation of the new system if the present time were retained in the Bill, the consequence would be a claim for drawback on the duties paid for the time previous. Such a claim was founded on justice when the British shipowners were about to be placed in competition with the foreigner on whom these duties did not press; for, by the Act now on the table, the Government would interfere with the building of ships for the present year. But whatever the Government might do in regard to duties which would thus be overpaid, he hoped they would go as far as they could, and that, for the future at least, these duties would not be required to be paid. There was another reason why the time should be prolonged to which he wished to call the attention of their Lordships. It was requisite to make some alteration in the system of appointing masters to British vessels. There was a return laid before Parliament, some time ago, containing the opinion of the British Consuls, in answer to a circular from the Government, concerning the character of the masters and seamen of British vessels. As to that report, he did not think it impossible that there might not be some exaggeration; but he did believe also, that in that report was to be found a great deal of truth, and he thought it was absolutely necessary for shipowners, if they were to compete with foreigners, to pay attention, more than ever they had paid, to the competency and character of the masters. However, a master with the qualifications proper to his place must be well paid; and

how could the owner do that if his ship were not well freighted? But, under any circumstances, whatever they might think of these various measures suggested by him as necessary to the thorough efficiency of our marine, the public had a right to be satisfied that our ships were under the command of men who, in previous examinations, had given evidence of their competence and nautical knowledge. He could not help reminding their Lordships that in the case of one of Her Majesty's ships being lost, the captain, officers, and crew were brought before a court-martial, where they were called upon to give a reason for the loss of the ship; and if they could not account for the result, they were liable to whatever punishment the court might award. Why should not the same course be pursued with the mercantile marine? Why should the lives of Her Majesty's subjects be endangered through the gross ignorance or the gross neglect of a master incompetent for his duty? But besides, even if convicted, the master only was liable to imprisonment; whereas, not the master only, but the men were in fault also, and the man who employed such a master was in fault. In all cases of bad character, of drunkenness, of gross neglect, or gross ignorance, having led to the loss of the ship, he would have either the shipowner fined, or, which would be far better and more effectual, the insurance ought to be voided, and the shipowner allowed to derive no benefit from the insurance. As it was, the underwriter at present never looked at the character of the master, he considered only the character of the ship, and, without reference to the probable incompetence of the master, made his calculations on the general average of losses for a certain period. Having laid these suggestions and considerations before their Lordships, he asked again how it was possible for the Bill to come into efficient operation within seven months from this time, without inflicting injury and great discouragement in British shipping, and he hoped their Lordships would agree to his Amendment.

The Amendment having been put,

EARL GREY trusted that their Lordships would not agree to the proposed Amendment. He could not, however, help remarking that in the course of the protracted debates on this Bill, he had heard no speech so much in its favour as that of the noble Earl who had brought forward that Amendment. In the first place, the noble Earl had admitted that the reports which had been made by our consuls to the effect that our commercial marine was in an unsatisfactory state, which reports had been so severely and so repeatedly attacked in the course of these discussions, were, though in some points exaggerated, in the main true. He fully concurred with the noble Earl upon that point, for he had heard from many officers in the Royal Navy that the mercantile navy was in a most unsatisfactory state. The best British ships and the best British commanders were undoubtedly superior to those of foreign nations; but he believed that a great number of our ships were very unsatisfactorily commanded, and that that circumstance arose from the want of competition. The noble Earl had said that it was necessary that certain economical arrangements should be made by which British ships should be enabled to carry freights at lower rates than those which they now required; and had added, that the changes in the present arrangements of British vessels were so certain of being made, that the delay of one year in the passing of this Bill would bring them all into effect. Now, if these statements were correct—if the result of our system had been to encourage on the part of the British shipowner a want of economy in rigging, manning, and sailing his vessels, and there had been a want of evidence to prove that our close system did not give encouragement to, or produce, able masters and sailors, it was supplied by the noble Earl, when he said that underwriters were left entirely at the mercy of the ignorant, or drunken, or reckless masters of vessels. Though he felt that the improvements suggested by the noble Earl were highly necessary, he could not admit that they were improvements to such an extent as would authorise their Lordships to postpone the operation of this Bill for another year in order to make them. First of all, he must repeat what he said upon a former night, that when he saw British ships competing successfully with foreign ships in certain trades under every disadvantage, he could see no reason why, if they used the proper means, they could not compete with foreigners as successfully in other trades. He had further to observe, that even if he were to adopt the noble Earl's rule, and were to admit that improvement could be carried as far as the noble Earl wished it to be carried, there was still no necessity for this delay—and for this reason, that hitherto

foreign ships had only been built to the amount requisite for the service which they had to perform between other countries and their own, so that in no foreign country was there at present a large surplus of shipping which could perform the service now performed by British shipping. Whatever danger there might be hereafter, even supposing him to admit, for the sake of argument, that foreigners might build and sail their ships cheaper than we could, and so ultimately drive us out of the market hereafter, yet until they had built ships to carry freights now carried by British shipping, it would be impossible for foreign to supersede British vessels. The noble Earl had mentioned one circumstance in the course of his speech which, of itself, ought to facilitate the passing of this Bill. He had told their Lordships that California had taken 200,000 tons of American shipping from Calcutta. Now, admitting such to be the fact, he must point out to their Lordships that this trade with California was a new source of traffic for the marine world— that it was a voyage of four or five months from the American ports of the Atlantic to Calcutta—and that this amount of tonnage was withdrawn from the general market of the civilised world. If their Lordships passed this Bill, and our shipping were allowed to extend its operation to the American trade, the employment of 200,000 tons of American shipping in the Californian trade would open a wide space for British shipping to come in. The same, too, would be the case with the other shipping to which the noble Earl had alluded —he meant that engaged in the trade with Australia. The present, then, was a favourable time for the change of the law. The tumults and commotions to which the noble Earl had alluded as raging in every nation on the continent of Europe, had given a check to shipbuilding, and indeed to every species of trade in foreign countries. Every one of those countries felt the consequences of those disturbances; and hence he conceived that British shipping might calculate before long on a great increase of employment. The noble Earl had also told them that the Crown had the power of retaliating on foreign Powers if they would not enter with us into reciprocity treaties; and had said that it was desirable before the Act came into operation that the British Government should make conventions with foreign Powers, in order to avoid the necessity of carrying into effect its prohibitory provisions. Now, the noble Earl entirely overlooked the fact that at present the majority of foreign States had made, or were about to make, all the changes which we had any right to expect. All that the British Government wished to effect by these clauses was to prevent the restrictive system from being adopted by any country that had not yet taken it up. By passing this law, we should pass into the possession of rights in Russia, in the United States, in the Hanse Towns, in Prussia, and in Holland; without any delay for negotiations with foreign Powers, we had only to pass this Act in order to place our commerce at once on a most satisfactory footing. Facts like these were strong arguments against the Amendment of the noble Earl. There was one consideration, however, and that a most important one, to which the noble Earl had not adverted, and that was, that if we made this change at all, we ought to make it as soon as possible. First of all, the experience of commercial changes had sufficiently proved that the apprehension of changes was always more prejudicial to the protected interests than the actual changes themselves. That had been unquestionably the case with respect to the repeal of the corn laws—for it was now admitted on all hands that it would have been much better for the landowners had that repeal come into operation at once instead of being postponed, as it was, for three years. So it would be with the shipowner. If the operation of this Act were suspended for a year and a half, he would suffer great injury from the suspense which would attend him in every transaction. With regard to the colonies, the injury which such suspense would create would be very great indeed. To him, personally, it was a matter of deep regret that this Bill had not passed last year; and it would be matter of still deeper regret if the trade of the St. Lawrence were lost for another year, or even if it were crippled and maimed for this season. The noble Earl had also stated that it was desirable that the Bill should come into operation at a time when Parliament was sitting. Now, it was proposed that it should come into operation on the 1st of January, 1850. That day would be within a short period of the commencement of next Session; and he, therefore, thought that for that reason, and for the other reasons which he had already mentioned, that day would be the best period that could be named for the Bill to commence its operation.

LORD WHARNCLIFFE said, he felt

strongly the inconvenience of delay in carrying any change into effect, and therefore he could not vote for the noble Earl's Amendment. But he thought it desirable that the Act should come into operation during the sitting of Parliament, and though he could not concur in the Amendment for the 1st of January, 1851, he would suggest the month of June next year as a safer time than that named in the Bill.

The EARL of GRANVILLE said, as the desire had been expressed to have the Act come into operation during the sitting of Parliament, he did not see how the 1st of January, 1851, was likely to bring it more within the Session than the 1st of January, 1850. And again, as to the suggestion of June next year, that would be exactly two months after the opening of the St. Lawrence.

House divided on the Amendment:—Contents, 44; Non-contents, 56: Majority 12.

List of the NOT-CONTENTS.

DUKES.
Bedford
Devonshire
Leinster
Wellington

MARQUESSES.
Breadalbane
Clanricarde
Headfort
Lansdowne
Ormonde
Sligo

EARLS.
Aberdeen
Bessborough
Burlington
Carlisle
Ellesmere
Fitzwilliam
Fingal
Granville
Grey
Kenmare
Liverpool
Minto
St. Germans
Strafford
Wicklow
Yarborough

VISCOUNTS.
Canning
Sydney

BISHOPS.
Manchester
Oxford
Tuam
Worcester

BARONS.
Arundel
Ashburton
Beaumont
Byron
Camoys
Campbell
Cremorne
De Mauley
Denman
Dunally
Eddisbury
Elphinstone
Erskine
Foley
Howden
Ilchester
Kingston
Lowat
Monteagle
Montfort
Saye and Sele
Stourton
Vivian
Wharncliffe

The EARL of WALDEGRAVE then moved the following Amendment:—

"Whereas it is expedient to amend the laws now in force for the encouragement of British shipping and navigation: be it enacted by the Queen's most excellent Majesty, by and with the advice and consent of the Lords spiritual and temporal, and Commons, in this present Parliament assembled, and by the authority of the same, that from and after the first day of September, One Thousand Eight Hundred and Forty-nine, the following Acts and parts of Acts shall be repealed; (that is to say,) a certain Act passed in the Session of Parliament holden in the eighth and ninth years of the reign of Her present Majesty, intituled 'An Act for the Encouragement of British Shipping and Navigation;' and so much of a certain other Act passed in the said Session of Parliament, intituled 'An Act to regulate the Trade of British Possessions Abroad;' as provides that no goods shall be imported into or exported from any of the British possessions in America, by sea, from or to any any place other than the united kingdom, or some other of such possessions, except into or from the several ports denominated free ports; and so much thereof as provides for the limitation of the privileges allowed to foreign ships by the law of navigation in respect of importations into the British possessions in Asia, Africa, and America; and so much thereof as provides that no vessel or boat shall be admitted to be a British vessel or boat on any of the inland waters or lakes of America, except such as shall have been built at some place within the British dominions, and shall not have been repaired at any foreign place to a greater extent than in the said Act is mentioned; and so much of a certain other Act passed in the said Session of Parliament, intituled 'An Act for the General Regulation of the Customs;' as prohibits the importation of train oil, blubber, spermaceti oil, head-matter, skin, bones, and fins, the produce of fish, or creatures living in the sea, unless in vessels which shall have been cleared out regularly with such oil, blubber, or other produce on board from some foreign port; also an Act passed in the thirty-seventh year of the reign of King George III., intituled 'An Act for Regulating the Trade to be carried on with the British Possessions in India by the ships of nations in amity with His Majesty;' and so much of a certain Act passed in the Session of Parliament holden in the fourth year of the reign of King George IV., intituled 'An Act to Consolidate and Amend the several Laws now in force with respect to Trade from and to places within the limits of the Charter of the East India Company, and to make further provisions with respect to such Trade, and to amend an Act of the present Session of Parliament for the Registering of Vessels, so far as it relates to Vessels Registered in India,' as enacts that no Asiatic sailors, Lascars, or natives of any of the territories, countries, islands, or places within the limits of the charter of the East India Company, shall at any time be deemed or taken to be British seamen within the intent and meaning of any Act or Acts of Parliament relating to the navigation of British ships by subjects of Her Majesty; and also the following Acts and parts of Acts: so much of a certain Act passed in the fourth year of the reign of King George IV., intituled 'An Act to authorise His Majesty, under certain circumstances, to regulate the duties and drawbacks on goods imported or exported in foreign vessels, and to exempt certain foreign vessls from pilotage,' as relates to the regulation of duties and drawbacks; also an Act passed in the fifth year of the reign of King George IV., intituled, 'An Act to indemnify all persons concerned in advising, issuing, or acting under a certain Order in Council for regulating the tonnage duties on certain foreign vessels, and to amend an Act of the last Session of Parliament, for authorising His Majesty, under certain circumstances, to regulate the duties and drawbacks on

goods imported or exported in any foreign vessels;' also so much of an Act passed in the Session of Parliament holden in the fifth and sixth years of the reign of Her present Majesty, intituled, 'An Act to amend the laws for the importation of Corn,' as enables Her Majesty, under certain circumstances, to prohibit the importation of corn, grain, meal, or flour from the dominions of certain foreign Powers."

The address in which the noble Earl supported his Amendment was inaudible.

The EARL of GRANVILLE begged to assure the noble and gallant Earl that he by no means undervalued the importance of the Amendment which he had proposed to their Lordships, while he proceeded shortly to state the objections which he entertained to its adoption. It was satisfactory to him to find that the noble and gallant Earl, after the great attention which he had paid to the subject, which must be so interesting to him, and with the great advantages derived from his professional education, was quite convinced that the British shipbuilder was able to compete with the shipbuilders of all other nations; and produce ships as good as and cheaper than any. He was not quite prepared to admit that if the foreigner built ships better and cheaper than our own, it would be completely to the disadvantage of our commercial or the Royal Navy to profit by that cheapness; he was rather inclined to agree with an American writer, that any country wishing to have naval supremacy, and having in view the necessity of employing seamen, should, as a cardinal point, go wherever it could obtain the cheapest ships. Even if ships could be obtained cheaper abroad, this country would still enjoy an enormous advantage in that which had been described before their Committee as the most profitable part of the shipbuilder's trade—the repairing of ships, on account of our great superiority over all other countries in dry docks. He felt, however, that it was unnecessary for him to follow out that argument, for he entirely agreed with the noble and gallant Earl that we could build ships as well and as cheaply as any country. He believed no attempt had been made to deny that ships could be built for as little money in the North American colonies as in any place in the world. He would not, on the present occasion, trouble their Lordships with any more statistics; but he thought that the conduct of Messrs. Wigram and Green, whom a noble Lord had mentioned as able to compete with the whole world, in paying three times as much in the river Thames as what they could get a ship built for in the American colonies, or twice as much as they could get one built for in Sunderland, could not be taken as a guide, for they ought to distinguish between the money value and the real value of a ship. An experiment had been made, from the presumed cheapness of the place, to build ships at Bombay, but it had turned out a complete failure. We had been compelled to resort to this country as really the most economical place for building ships of war. The fact was, we had all the elements of shipbuilding cheaper here; and in support of this assertion he might refer to the fact, that of almost all those materials we were an exporting nation. We certainly did not export timber; but of good timber, for instance, our own oak, African teak, mahogany, and all descriptions of articles required for the best ships, we had a most abundant supply. In the beginning of the evening a noble Earl alluded to the difficulty which the shipowner suffered from the duty upon foreign timber. Now he really thought that this part of the question had been very much overstated. He heard the other evening the evidence of Mr. Young cited, in which that gentleman stated that in a ship of 500 tons, which he had to build at a cost of 8,200*l.*, the whole cost of the foreign timber employed amounted only to 308*l.*; and he believed that Mr. Money Wigram stated he believed 3*s.* 6*d.* per ton to be the total amount of the difference imposed by the duty on foreign timber. He had lately had an opportunty of seeing a calculation, which he was sure had been drawn up with great care, and in which the sum had rather been overstated than understated; and this showed that the whole amount of duty levied upon timber consumed in shipbuilding did not amount to more than 30,000*l.* a year. But when they were considering the question of the duty on timber, their Lordships ought to take into account the duties which other countries thought fit to impose upon shipbuilding materials. If they would refer to Mr. Minturn's evidence, they would find instances stated in which 5 per cent was levied on copper, 20 per cent on sailcloth, and 30 per cent on iron. He had seen the other day an extract from a memorial proceeding from the Dantzic merchants, addressed to the Assembly at Frankfort, for relief from the enormous duty imposed on iron, which showed by a very long calculation that the duty in question increased the expense of building

a German ship by 9 per cent. Therefore, they might dismiss the question of duty as weighing so heavily on the British shipowners. But if we could build ships as well and as cheaply as foreigners, he might be asked what would be the use of repealing these laws? To such a question he would answer that that repeal would destroy a monopoly which in that instance, as in many other instances, had been injurious not only to the community at large, but also to the parties whose interests it more immediately affected. The most respectable shipowners had stated, in evidence before the Committees of the two Houses of Parliament, that the same amount of work could not be obtained from the shipwrights of this country, on account of the combination among them, which was obtained from the shipwrights of America; and that fact afforded, in his opinion, a sufficient proof that the existing monopoly had operated disadvantageously. He confessed that, under the proposed alteration of the law, he saw no grounds for the apprehensions which some noble Lords entertained, when he recollected that there prevailed in this country, among all classes, a natural aptitude for maritime pursuits, which had hitherto enabled us, and which, he believed, would continue to enable us, to compete with every nation in the world.

The DUKE of NORTHUMBERLAND said, that as he had already presented several petitions from Newcastle-upon-Tyne and other places, expressing the great alarm which the measure of Her Majesty's Government had created among all parties connected with the shipping interest, he wished to take that opportunity of stating that he had since received the most ample assurances that that alarm still continued undiminished. As an officer in the Navy, he felt great apprehensions that the measure as it then stood would increase the difficulty of manning our men of war. Now, there were not many among their Lordships who were fully aware how painful impressment was under any circumstances; but from his own experience he could assure them that it was the most painful of all the duties that devolved on a naval officer. No one entertained a greater horror of impressment than he did; and he was decidedly opposed to the present measure because he believed it would aggravate that evil. It appeared to him to be manifest that the Bill would place the English shipowner under a great disadvantage as compared with his foreign rival. There could be no doubt but that ships could be built at one-third or one-fourth less cost in New Brunswick than in England; and he supposed it could not be denied that they could also be built more cheaply in Boston, which was in the neighbourhood of New Brunswick, than in this country. The owner of a ship built in Boston would, however, not only obtain it at a cheaper rate than his English rival, but he would also be able to employ it much more advantageously, both in time of peace, and in time of war. In time of peace, the American shipowner sailing from Liverpool to New York, might, on his arrival in the latter city, trade along the American coast, while the English shipowner, after having reached New York, might be compelled to bring his vessel home in ballast. That clearly would give the American shipowner a considerable advantage in time of peace. Then again, in time of war, the English shipowner might be exposed to the great loss and inconvenience of being compelled to wait for a convoy, and sailing with that convoy for many weeks; and further, the English shipowner would have to incur the heavy expense of insuring his vessel against the enemy. Such were the disadvantages to which our shipowners would be exposed in time of war, as compared with their American rivals. He certainly should feel it his duty to support the Amendment of the noble Earl opposite; and he would remind the right rev. Prelate, who had a proposal to make connected with the question of slavery, that that Amendment would greatly tend to promote his object. He believed that our Navy was the only effectual defence of this country, and the only security for the maintenance of our vast colonial possessions. He also believed that the protection of our commercial marine afforded us the best means of ensuring our maritime supremacy; and with these convictions he should oppose the Bill as it then stood, and support the Amendment of the noble Earl.

The EARL of CADOGAN said, he thought that circumstances justified him, as a naval officer, having served for nearly twenty years, in making some few observations to their Lordships upon a subject affecting that branch of the service. He conscientiously believed that in many countries in the world ships could be built much cheaper than they could be in this country. If this Bill passed, shipowners would proceed to register their vessels in

foreign countries, and would man them with foreign seamen. Then, again, what injustice they proposed to inflict upon that most meritorious and excellent class of men, the shipwrights. From 1804 to 1809 the greatest inconvenience was felt in consequence of their being unable to obtain a sufficient number of shipwrights for the dockyards. If this measure passed, a large proportion of the shipwrights would be driven from their present employment, and compelled to seek work abroad; and thus, in the event of a war, the difficulty of obtaining artificers would be increased to such an extent as to threaten our naval supremacy. As a naval officer he could not stand by and see the Navy sacrificed by such a measure as the present.

The EARL of MINTO considered the noble Earl to have altogether begged the question, when he said that this measure would have the effect of driving away the foreign trade of the country by the competition which would be created by foreign ships. This was entirely assumed, for there was no evidence to justify such an opinion. The noble Duke also said that ships could be so cheaply built at New Brunswick that it was impossible for English shipowners to compete with them; but the ships from New Brunswick could at the present time be admitted with every privilege to English ports, as they could be registered.

The DUKE of NORTHUMBERLAND explained that he had alluded to ships built at Boston, in Massachusetts, and not to those of New Brunswick. His authority for this statement was the evidence taken before the Committee of that House on the navigation laws.

The EARL of MINTO was satisfied that the weight of evidence showed that ships could be built as cheaply in this country, if they took into account the wear and tear, and the time they lasted, as they could be in any foreign country. In the United States the wages of the artificers were higher, and, with the exception of one article, timber, the materials for shipbuilding were dearer than in this country. The present clause was a most important part of the Bill for the shipowners, for it would tend to check those combinations of shipwrights which existed to a greater extent in this country than in any other. It would enable them to turn out more ships in times of combination than they could under the existing law.

LORD COLCHESTER said, the noble Earl the Secretary for the Colonies stated the other night that English ships could successfully compete with American ships at Rio; but the fact was directly the contrary to this statement, for in 1847, as well as in other years, the tonnage of the American ships which sailed from Rio Janeiro was more than double that of the English ships from that port. It had been said that the shipowners of this country could build good ships at as cheap a rate as foreigners. No persons certainly built finer ships than Wigram and Green; but what was the nature of the evidence taken before the Committee as to their ships? Mr. Wigram, on being examined before the Committee of the House of Lords, said that the cost of ships built by him varied from 23*l.* 10*s.* to 25*l.* per ton before they were ready for sea; while another witness, Mr. Minturn, an American merchant and shipowner, said they built him such ships in the United States at the cost of 14*l.* 10*s.* per ton. Mr. Wigram also said, that if this Bill passed he should compel his captains to take his ships to foreign ports to be repaired, and, if necessary, he would send them out in ballast for that purpose. That gentleman also said, that the effect of the measure would be to ruin the shipbuilding trade in this country; and, therefore, either he should go himself, or he should send one of his sons, to New York to build ships. He added, that he should not purchase American ships, but would have vessels built under his own superintendence. Notwithstanding this strong evidence of this eminent shipbuilder and shipowner, the Government said, that still English ships could successfully compete with those of all foreign nations. If, at any time, it was necessary to break down the combination of the shipwrights, they might resort to the proceeding which was adopted in 1825 and 1826, when the shipowners suffered much from this cause, namely, to allow the Privy Council to issue an Order in Council to grant licenses to shipowners to send their ships to foreign ports to be repaired at such periods of combination. He could not see why they could not introduce a provision to this effect into the Registration Act. One gallant officer, who had been sixty years in the service, and who was examined before the Committee of that House, stated, that from the breaking out of the war, in 1793, the Admiralty were obliged continually to resort to private yards to get assistance in the building of

ships of war. The evidence showed that, between 1793 and 1815, not less than 616 vessels of war were built in private yards, of which 56 were ships of the line. If the shipbuilding trade was destroyed, they would be unable to get ships built to enable them to carry on a war. Even so late as 1845, when it became necessary to fit out a number of ships, and bring forward a number of other vessels as ships in advance, they found that the work could not be completed in the Royal dockyards, so that it became necessary to resort to private yards, and amongst others to that of Mr. Wigram, who repaired several large ships of war. He would only add, in conclusion, that he believed that the maintenance of the welfare of the country depended on the continuance of these laws.

Earl TALBOT wished to offer a very few observations in support of the Amendment of his noble Friend. As a naval officer, he felt that he should be wanting in duty to the service if he did not add his humble testimony to the statement as to the great risk which would be incurred in having other than British-built ships registered. The noble Earl had stated that ships could be built as cheaply in this country as abroad, but he had not adduced the slightest evidence to show that this was the case. On the contrary, the evidence taken before the Committee showed that ships could not be built in the river Thames under 22*l.* 10*s.* a ton. He might be told, however, that ships were built at Sunderland at a much cheaper rate; but these were vessels of a very inferior class. It was a matter of notoriety that the vessels built by Mr. Green or by Mr. Wigram, were constructed almost entirely of British material, and they were made of great strength, to adapt them for long voyages; but at Sunderland and the other northern ports by far the great proportion of the timber used was foreign growth. The noble Earl seemed to suggest a reduction of the wages of the English shipwrights. He (Earl Talbot) believed the wages of the artisans engaged in shipbuilding were not more than those received by other skilled artisans, such as joiners, machinists, or blacksmiths. In the general run he was satisfied that they did not receive more than other skilled artisans. If the navigation laws were repealed, a large portion of the English mercantile marine would be found sailing under foreign flags; and if a war should then unfortunately break out, we should have large numbers of British seamen fighting against this country. He looked upon the provision of the Bill which would be affected by the Amendment as one of the most important and dangerous in it. He did not know whether that was the proper time to do so; but he must protest against their getting rid of the apprenticeship system in connection with our mercantile marine. There were no very serious complaints of this system, although he admitted that some little inconvenience might occasionally have arisen from it.

The Earl of ELLESMERE said, that, in his opinion, the effect of the present restrictions upon shipping gave to the shipping interest something of the nature of a monopoly; and he was not certain but that the removal of those restrictions would ultimately benefit that numerous and important class whose interests were connected with the shipping of this country. In the course of his experience, he had seen several monopolies broken down, either by legislative enactments or by other means, and the result had been, in most cases, beneficial to those interested in them. He remembered a time when the inland navigation of this country possessed something of a monopoly; and he knew that the effects of the monopoly which it possessed was to make the persons engaged in it lazy, and to prevent a sufficient amount of accommodation being supplied to meet the requirements of the public. The removal of that monopoly, however, gave a stimulus to activity; and although it perhaps reduced to some extent the profits, still it ultimately led to an aggregate increase of the traffic. If he could be persuaded that this measure would weaken the defences of the country, he would feel it his duty to act with his noble friends who opposed the Bill; but, as he did not entertain this opinion, he would give his support to the clause as it stood.

The Earl of HARROWBY said, that as reference had been made to Russian shipping, he would refer to a paper which he held in his hand, from which it appeared, that out of 900 ships leaving the port of Rio de Janeiro, there was not a single Russian vessel, though there were among them some belonging to almost every other country in the world. The Russian nation was a nation of serfs, and the only fleet of which they were possessed was in the Black Sea. With regard to vessels employed in the foreign trade, there were some particular trades in which it was desirable to have the best possible

ships, while in others, those of a more inferior class would suit. In the case of a vessel of 500 tons, British built, of the highest class, A 1, there would be used a considerably larger quantity of foreign than of British timber; and with respect to the advantage possessed by the British shipbuilder in obtaining his iron and copper for sheathing at a cheaper rate than the foreigner, that was far more than counterbalanced by the advantage possessed by the foreigner with regard to timber.

The EARL of GRANVILLE wished, upon the subject of the cost of shipbuilding in this as compared with that of other countries, to call their Lordships' attention to the evidence of Mr. R. B. Minturn, a most respectable merchant of the United States. The question put to him was—

"In what respect should you consider that a ship can be built cheaper in America than in England—where would be the saving?"—"The only item in shipbuilding which to my knowledge is cheaper in America than in England is wood; and this, for ships built in New York, has to bear heavy transportation, much of the timber being brought by sea from Virginia and Florida, and the plank from Lake Erie, a distance of 500 miles. The iron is imported from England, and pays a duty of 30*s.* besides the expense of importation. Copper is also much higher than in England, and wages are nearly double."

Other witnesses gave evidence, also, to the same effect. It had been said, that if ships could be built cheaper in foreign countries than in this, shipowners would go to those countries to purchase them. He did not think that such would necessarily be the result. Under the existing state of things, a considerable number of ships were built in Norway, and then brought over to this country to be sheathed with copper and strengthened with iron "knees;" and he did not think that such an arrangement was a very great disadvantage to the British shipbuilder, although it might, perhaps, be a trifling advantage to the shipowner.

The MARQUESS of LANSDOWNE said, that he thought the low estimate put upon the Russian marine, on the ground of Russia being a nation of "serfs," was one which could scarcely be justified by the facts of the case. There was no doubt that Russia had a considerable fleet in the Black Sea; but that she had none comparatively in the Baltic might be accounted for by the circumstance of the great competition which she met with in that sea. During the last few years, this country had maintained a successful competition even in the Baltic—the number of vessels which had passed the Sound having increased rather than diminished.

EARL GREY said, that he quite agreed in the opinion which had been expressed by a noble Lord as to the desirability of creating a spirit of self-reliance, and wished to see that spirit exercised by those connected with the shipping interests of the country. With regard to the trade with the Baltic, to which reference had been made, the reason why that trade had not increased to so great an extent as that with other portions of the world, admitted of an easy explanation. It was because British shipping was too good for that trade, and it sought more profitable employment elsewhere. Although they had largely increased the amount of their shipping, they could not, unless they wished to monopolise the whole trade of the world, increase it to an equal extent in all parts; and they left that portion of the trade, which was fitted for worse and coarser ships than their own, to their rivals—the better trade was preserved to themselves. The timber trade with the Baltic was carried on in the coarsest and most ordinary ships; while silk from China, and sugar from the colonies, required a better class of ships; and in this trade, in which good ships were required, they contrived to gain an advantage over their competitors. The simple explanation of so small an increase in certain portions of the trade of this country was, that although they had so largely increased their total tonnage, yet, with that increase, their shipping had found more profitable employment in some branches of trade than in others.

LORD STANLEY would remind the noble Earl who had just resumed his seat, that the sugar from the colonies was entirely confined to British shipping. Their trade with China was also practically confined to British shipping, inasmuch as tea could not be imported into this country by any other ships than by British or Chinese; and, in consequence of this country being the largest consumers in the world of tea, they were able to import it into the country, and export it again in small quantities, as it was required for the consumption of the Continent. The great difficulty in extending their China trade was the small amount of remittances which they were able to make in return. They sent out their goods to China, and, being large consumers of tea, imported it largely into this country in their own ships, and in exchange for British manufactures. Pass

this Bill, and the consequence would be that tea might be imported into this country in ships of the United States, and in exchange, not for British, but for American manufactures of the same description, which they would carry to China, bring back tea to this country, and return with cargoes of British goods to the United States.

EARL GREY stated, in explanation, that the object of what he had said was to show that in the unexampled increase of the commercial marine of this country, the less profitable portions of the trade had increased less rapidly than the more highly remunerative.

After a few words from the EARL of WALDEGRAVE,

House divided on the Amendment:—Contents 37; Not-contents 49: Majority 12.

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LORD STANLEY said, that after what had taken place, and the extraordinary measures resorted to by the Government to secure a majority, he would no longer oppose the further progress of the measure, but would leave on Her Majesty's Government and their allies the joint responsibility of proceeding with it. In announcing, however, his intention of not moving any other Amendment, he might be, perhaps, permitted, as it was the last occasion on which he should trouble their Lordships in the course of these debates, to advert to one or two points which, he thought, could hardly have been sufficiently considered by Her Majesty's Government. He might, perhaps, also be permitted to say a word or two with respect to an Amendment which he had intended to introduce at a later part of the Bill, and to which he had, therefore, not adverted when he formerly addressed their Lordships. He would not complain of the course taken by Her Majesty's Government, in answering conclusively a speech which had never been made, and arguments which had never been submitted to their Lordships. But he was bound, in answer to what had been advanced by the noble Earl, to explain the Amendment which had reference to the trade of the St. Lawrence—a trade which the noble Earl considered of sufficient importance to justify the destruction of the shipping of this country. The object which he (Lord Stanley) had in view was to meet a reasonable complaint which had been made on the part of the people of Canada. The complaint of the people of Canada was that there were greater facilities now for the transmission of their produce by way of New York than by the St. Lawrence, because at New York they had their choice of an American or a British ship, while from Montreal or Quebec they could only send it by a British ship. He had felt that there was an inequality in these rival routes; and, with the view of promoting the traffic of the St. Lawrence, and of giving the Canadians a freer intercourse with the United States, he proposed to permit Her Majesty to make a treaty with the United States. That object was to be effected, not by enabling ships of all countries to enter the St. Lawrence, but

by enabling British or American shipping to convey from either outlet the produce of Canada or of the United States. But then the noble Earl had told him that, while he was endeavouring to do all this for Canada, which the noble Earl said would not satisfy the Canadians, but which he (Lord Stanley) asserted ought to satisfy their reasonable demands, he was leaving the complaints of all the other colonies unredressed. He did not know, however, what other colonies made complaints of the navigation laws. Jamaica asked permission to have goods imported in British or foreign ships, but did not ask to have advantages given to her commercial rivals. Trinidad did not complain of the navigation laws, but of the operation of the Possessions Act upon her trade. He certainly was of opinion that the clause in that Act was very obscurely worded, and he apprehended that the difficulty might have been met by an alteration in the Possessions Act; but the present Bill would throw open the trade of Trinidad to the unrestricted rivalry and competition of all foreign nations. He did not, however, feel that he should now be warranted in contending against the provisions of the Bill as affecting the colonial trade. But one or two other points he must advert to. At the present moment the renewal of the South Sea whale fishery was held forth as a most important object to the commercial enterprise of this country, and encouragement was about to be given to the British merchant in the prosecution of that object. Some years ago the bounties given for the promotion of the whale fishery were discontinued, and the duties on vegetable oils were taken off altogether; while the Americans, by keeping up a high duty on vegetable oils, and by encouraging the pursuit of the trade in fish oils, had increased that trade enormously. Within ten or fifteen years the American South Sea whale fishery had increased to such an extent that it employed 700 ships and 19,000 seamen, producing an annual value of 1,240,000*l.*; while, within the same period, the whale fishery of this country had dwindled away till not a single British vessel was employed in it. Mr. Enderby was now going out, to endeavour to restore that trade, though, when this Bill passed, he would prosecute it in foreign ships. As the law now stood, oil could only be entered from the port where it was loaded, and from which the ship cleared out. At present, therefore, the ships belonging to this country would come at once from the fishing ground, while the cargo of their rivals must go to the United States, and thence be brought to this country. Practically this was a very great boon to our own ships; but at the very moment when the attempt was about being made to revive this neglected branch of trade, the Government were, by this Bill, striking off the only advantage which the English shipowner now enjoyed, and bringing him into direct competition with his American rival. It was a self-contradiction in practice. He understood it was the intention of a noble Earl to call the attention of the House to the subject of apprentices. On that question he would not address any observations to their Lordships, because there were other persons who were more competent than himself to do so; but he was sure that they would be told, by one and all, that the most important regulation for the bringing up of seamen for the Royal Navy was that provision which required merchantmen to carry a certain number of apprentices, as they were much better seamen than the boys brought up in the Royal Navy. That provision, however, was about to be abandoned altogether. He would not say one word about the effect which this measure would have on the naval service of this country, particularly after the speech delivered with so much power of language by a noble Duke as to make him regret that one who was so well able to inform and enlighten their Lordships should so seldom address the House. He must remark that one restriction was re-enacted by the present Bill which would operate with greater severity than before. By the existing law, three-fourths of the crew were required to be British seamen; but provided there was one British seaman for every twenty tons, there might be a greater proportion of foreign seamen aboard than one-fourth. The relaxation of this restriction was done away with by the proposed measure. The noble Lord then proceeded to justify the navigation laws as affecting the Lascars, who, he contended, had been legislated for upon the ground of humanity, because they were not by constitution and habits able to bear the hardships to which a British seaman subjected himself at all times. Having made those observations, he should not offer any further objections to the Bill in Committee; and he left to Her Majesty's Government the undivided responsibility of the consequences which would follow its adoption.

EARL GREY observed, that though the noble Lord had declared his intention of offering no further opposition to the Bill, he had certainly not abandoned the contest as long as there was any chance of success. Still he would wish to say one or two words. After having heard the noble Lord's explanation with respect to Canada, he must add, that he remained of the same opinion, that the concessions proposed by the noble Lord in favour of Canada would have been entirely futile, and calculated to excite great discontent in that colony. With respect to Trinidad, the noble Lord had admitted the correctness of his statement, and therefore it was not necessary to say more. With regard to the whale fishery, which had died away under a system of restriction, the great benefit of the alteration would be, that it could now be carried on from New Zealand, the Auckland Isles, and Van Diemen's Land, with cheaper ships than could be sent from America; and these places would become the great depôts of the whale fishery, giving us a great advantage over America in carrying on that trade. The noble Lord had stated that Mr. Enderby intended to sail his whale-fishing ships under a foreign flag; but since the second reading of this Bill, as appeared by a City article in a newspaper, there had been a meeting in the City at which Mr. Enderby had declared that if a proposed company could be organised, he would send out two ships, which would be fitted out in the Thames. He was very happy to hear that no further opposition was intended to be offered to the progress of the Bill through Committee; and as he perceived that this announcement had taken away all interest on the subject, he would not attempt to make any further observations.

Clause agreed to; as were other clauses to Clause 8.

On Clause 9,

The EARL of ELLENBOROUGH said, that this clause enacted, "that if Her Majesty shall at any time, by Her Royal proclamation, declare that the proportion of British seamen necessary to the due navigation of British ships shall be less than the proportion required by this Act, every British ship navigated with the proportion of British seamen required by such proclamation shall be deemed to be duly navigated, so long as such proclamation shall remain in force." He objected to this clause on the ground that the rule ought to be that no authority should be delegated to Her Majesty in Council which could be as conveniently exercised by Parliament. This power ought not to be given, so that it could be exercised at any other period than in a time of war.

EARL GREY thought it would be found impossible to define the circumstances which, in the apprehension of a war, might render necessary a large augmentation of seamen in the Royal Navy. An immediate increase of the naval force might be required to meet a sudden attack, and the occasion might thereupon occur for the immediate issue of the Royal proclamation. It was a most difficult thing, in fact, to define what was a "state of war," and he thought it would be better to allow the words to remain as they at present stood, not only in the existing Act, but in the Bill now before their Lordships.

The EARL of ELLENBOROUGH had no objection to the clause remaining as it stood, on the understanding that the power given should never be exercised except in a case of apprehended war.

After a few words from the EARL of MINTO,

Clause agreed to.

On Clause 10, which proposes to enact that if British vessels are subject in any foreign country to prohibitions or restrictions, the Queen, by Order in Council, may impose similar prohibitions or restrictions upon the ships of such foreign country,

LORD WHARNCLIFFE said, that as he felt that there was no possibility of his succeeding in carrying the Amendment which he had placed upon their Lordships' paper, he would not press it to a division; yet he thought that, though he would not be justified in detaining their Lordships by any lengthened arguments, he should be merely fulfilling his duty by laying before them the reasons which had induced him to bring the proposition before their notice. One of his principal reasons was, that he felt that if they adopted a system of absolute and inflexible reciprocity, it would lead to very great confusion. He owned that it was a most attractive argument that when they conceded privileges to other countries, they had every right to expect that other countries would concede equal privileges to them. He believed, however, that absolute reciprocity was unattainable, and was of opinion that before they removed restrictions it should remain in the power of Her Majesty's Government to communicate with foreign Powers who imposed similar restrictions, in order to ascertain whether

they could be induced to remove them. On a previous occasion when he addressed their Lordships, he alluded to a despatch which was written by the noble Lord the Secretary for Foreign Affairs in December, 1848. In that despatch it was well known that he had written to the different agents in foreign countries, and had stated the possible advantages which Her Majesty's Government thought this country would derive from others by an alteration in the navigation laws. Now, the language which was contained in his Amendment was strictly in accordance with the language used by Her Majesty's Government in communication with foreign agents. His object was, that the Government should consider, in the first instance, the position in which this country stood with regard to foreign States, and whether they would be justified in demanding the removal of certain restrictions before they gave them any privileges. He would leave Her Majesty's Government to judge of the expediency of asking for restrictions in proper cases. If such cases should arise, and the removal of these restrictions should be refused, then Her Majesty's Government should be at liberty to declare in Council what country or countries should be exempted from the operation of the Act for the repeal of the navigation laws. Now, in the case of Prussia, for instance, it would be advisable that they should obtain the removal of some very partial and unjust restrictions imposed by the Prussian Government, before they made any relaxation which would benefit that country. In the case of America, also, they should obtain the removal of the restrictions imposed with regard to their trading with the colonies of America before they opened their colonies to them. They opened their colonial trade to the Americans, and they had a right to be allowed to carry on the distant trade with California. He should not detain their Lordships any further than by stating that the Amendment, which he declined to press to a division, contained provisions which would very much improve the Bill brought in by Her Majesty's Government if it were adopted.

EARL GREY, whilst doing justice to the motives of his noble Friend, could not concur with him that the Amendment he intended to have proposed would be an improvement upon the Bill—so far as he understood it, it did not appear to differ very materially from the Bill with regard to the powers vested in the Government. The right principle appeared to be, not that because foreign nations acted unwisely and imposed restrictions injurious both to themselves and us, we were to follow their example when we should not gain by doing so; but rather that we should make foreign nations feel that, by our free system, we had the advantage over them, at the same time retaining the power of retaliation for cases where it might be necessary and proper to exercise it. It was quite impossible to act upon the principle of reciprocity; and in a former debate he had mentioned cases where reciprocity was, in fact, a punishment upon ourselves. On the other hand, if no powers were reserved in case foreign countries refused to afford us the benefits we gave them, British shipping would be exposed to a disadvantage. The right principle, then, was to retain a power of retaliation. But the Bill went further than the Amendment. It imposed, under certain circumstances, prohibitions and restrictions; but his noble Friend suggested only to revive the law as it stood before. The powers given under the Bill, therefore, were larger than under the existing law, and most undoubtedly if foreign countries imposed restrictions upon our shipping, those powers would be used. Seeing, then, that the views of his noble Friend did not really differ very much from those of the Government, and that the Bill contained larger powers than he suggested, he was very glad to find that his noble Friend did not mean to press the Amendment.

The EARL of ELLENBOROUGH said, he retained the opinion that the proposition of his noble Friend (Lord Stanley) was preferable to that of his noble Friend who had lately spoken; but, looking at the two clauses in the Bill as they at present stood, he thought they were preferable to the proposition made by his noble Friend (Lord Wharncliffe). He would observe that previous negotiations would not be negatived by the two clauses in the Bill. Now that we were making a concession to the Americans by opening to them the trade of the St. Lawrence, he thought that we ought to negotiate for the purpose of obtaining some equivalent for Canada. Either we must consider Canada—as had hitherto been the case—as a part of this country, and carry on our trade with it as a coasting trade, or we must adopt that different course of conduct which, perhaps, under all circumstances, it might be the most expedient to pursue, that of negoti-

ating for Canada as if it were an independent Power, and endeavouring to obtain for it, in its intercourse with the United States, every advantage which it would have if it were annexed to the United States, and formed part of the Union. He thought it undesirable to go further into the subject, but he could not refrain from impressing on the Government that it ought to be made a subject of negotiation with the United States, that as the most perfect freedom of intercourse between them and the Canadas and this country was conceded to them, they ought to make similar concessions in favour of our North American colonies. We ought to endeavour, whatever might be the prejudices of the population of Canada, and whatever might be the prejudices of the inhabitants of the United States, to bring their minds into that train which would tend to the most free and unrestricted intercourse between them by land as well as by sea. He believed that the time might have arrived when it was necessary to adopt a perfectly novel course of treating the North American colonies. Between the adoption of that course and adherence to the present system, he saw no intermediate line of policy.

The EARL of HARROWBY was understood to say, that he agreed entirely in the suggestions of the noble Earl (the Earl of Ellenborough), and that it was most desirable that Canada should have nothing to gain by annexation. Our other North American colonies, too, ought to be placed in as favourable a position as Canada. After the explanations of the Government, he thought his noble Friend (Lord Wharncliffe) was justified in not pressing his Amendment to a division; but the Government ought not to forget that if they had great discretion by the present Bill, they had great responsibility likewise.

EARL GREY was anxious to say, with reference to the observations of the two noble Earls, that the Government was as anxious as possible to relieve intercourse, both by sea and land, between Canada and the United States, of all restrictions. The restrictions at present maintained by the latter were more injurious to the States than to Canada. A Bill had been brought into Congress for the purpose of removing those restrictions, and granting all that was essential to the welfare of the provinces; but it was lost, not through any hostile feeling on the part of the representatives, but because the 4th of March had arrived before the Act had reached maturity, and at that period the sittings of Congress ended. Canada, when the Bill now before them was passed, would, from her commercial position in being connected with this country, have an infinite advantage beyond that which she would have were she annexed to the United States. Canada, let it be remembered, was purely an agricultural country, and for her staple produce she would always find a ready sale, and the best market in England. At present she had the route by New York opened to her, and she would now have that by the St. Lawrence opened in the most advantageous manner. And let this further consideration be taken into account, that whilst Canada had all the advantages of belonging to the United States, she would have this further advantage, which she would not have were she one of the States —namely, that she would not be subject to the high protective tariff for the importation of manufactured articles which the United States kept up with the view of fostering theirs. Canada would be able to obtain manufactured goods from England at a much lower price than from the United States, which imposed a protective duty of 20, 30, and even 35 per cent. Were Canada annexed to the United States, it would surely be a heavy burden on her agriculturists to be obliged to submit to the payment of this high duty without any compensating advantages. It was only that very day that he had received information from Canada to the effect that the improvements were upon the point of being completed, for the transmission of goods to the West through Canada, which would be of most material advantage to her; and that, through the modes of communication affected by those improvements, an important and extensive trade with the West would be carried on. A large amount of American produce came down the St. Lawrence Canal as far as Montreal, thence to Lake Champlain, thence to New York, and at a much lower rate of freight than by the Erie Canal. By this mode of communication, heavy goods, railway iron, &c., would find a transit, and cause a most profitable trade. There was not the slightest doubt that commerce was suffering severely in Canada; but that suffering was, he believed, of only a temporary character, and under the influence of the more liberal system established by this Bill, the trade of Canada would speedily revive, and there was every fair prospect for that country

of an era of great commercial prosperity.

The EARL of ST. GERMANS, not having addressed their Lordships during the previous debates on this Bill, wished to say a very few words before it passed through Committee. He would not touch on the general principle of the Bill; but with respect to the Amendment of his noble Friend (Lord Wharncliffe) he thought it infinitely preferable to that of his noble Friend on the bench behind him (the Earl of Ellenborough), and he could not help expressing his surprise that the noble Earl should have described the two Amendments as differing in degree and not in principle —for if they had not differed in principle, it was rather singular that the noble Earl had not taken that most favourable opportunity of modifying the Bill, by voting for the Amendment of Lord Wharncliffe. Many noble Lords who were willing to support the Amendment of Lord Wharncliffe would vote against the Amendment of the noble Earl. For his own part, although he thought the Amendment of his noble Friend (Lord Wharncliffe) preferable, he could not give it his support, and for this reason, that it would not be possible to adopt to the full extent the principle of reciprocity. Upon that term (reciprocity) there were great differences of opinion. Some thought that by it was meant that this country should give all the advantages she possessed in return for all the advantages possessed by another country; whilst others understood it to mean an absolute equivalent. In his opinion they never could establish anything like perfect reciprocity, and this being his view of the matter, he could not help thinking that it was an unwise and unsound policy that we should remain inactive, and refuse to reform our commercial code because other countries declined doing so. Let England adopt and pursue what she believed to be an enlightened and liberal policy; and, if it proved to be so, foreign nations would soon follow in her footsteps. He did not attach much importance to the retaliatory clause in this Bill; but he thought there might be exceptional cases in which foreign countries, acting in a vexatious spirit and in an unjust manner, it might become the duty of the Government to exercise the powers entrusted to them by this clause. But he firmly believed that when other countries saw that England had adopted that course of policy which had already been pursued by the great maritime and commercial States of the world, and in which this country was, up to the present time, backward, they too, would, consulting their own advantage, enter into the same liberal course of policy.

Amendment withdrawn.

Remaining clauses agreed to.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, May 24, 1849.

MINUTES.] PUBLIC BILLS.—1° Duration of Parliaments; Highways (District Surveyors).

Reported.—Incumbered Estates (Ireland).

3° Society for the Prosecution of Felons (Distribution of Funds); Landlord and Tenant; Grand Jury Cess (Ireland).

PETITIONS PRESENTED. By Mr. Roebuck, from Sheffield, for an Extension of the Suffrage.—By Mr. J. Williams, from Macclesfield, for the Adoption of Vote by Ballot.—By Mr. Serjeant Talfourd, from Goring, for the Clergy Relief Bill.—By Sir John Tyrell, from Burham, Essex, against the Marriages Bill; and from the Guardians of the Halsted Union, for Rating Owners of Tenements in lieu of Occupiers.—By Mr. Cardwell, from Liverpool, against the Alienation of Tithes.—By Sir F. Thesiger, from Abingdon, for Repeal of the Duty on Attorneys' Certificates.—By Mr. Henry, from Barton-upon-Irwell, respecting the Lancashire County Expenditure.—By Mr. Law Hodges, from Wittersham, Kent, for Repeal of the Duty on Malt and Hops; and from Maidstone, for Reform in the Medical Profession.—By Mr. Henry Drummond, from the County of Southampton, for Agricultural Relief.—By Mr. Osborne, from Brentford, for the Copyholds Enfranchisement Bill.—By Mr. W. Miles, from Chew Magna, Somersetshire, for an Alteration of the Law respecting the Conditions on which Grants for Education are dispensed.—By Mr. Caulfeild, from Keady, County of Armagh, against the Renewal of the Lisburn and Monaghan Road Act.—By Mr. Lushington, from Westminster, for Inquiry respecting the Metropolitan Police.—By Mr. Sandars, from the Great Yarmouth Union, for a Superannuation Fund for Poor Law Officers.—By Captain Dalrymple, from Portpatrick, against the Removal of the Packet Station from Portpatrick.—By Sir T. Acland, from Poughill, Devonshire, for the Suppression of Promiscuous Intercourse.—By Mr. Tancred, frm Banbury, Oxfordshire, for an Alteration of the Sale of Beer Act.—By Colonel Sibthorp, from Lincoln, for an Alteration of the Small Debts Act.—By Sir Joshua Walmsley, from Bolton, for the formation, between the British Government and other Governments of the World respectively, of Treaties by which International Disputes may be decided by Arbitration.

THE SPANISH TARIFF.

MR. BANKES begged to repeat the questions which he had put to the right hon. Gentleman the President of the Board of Trade the other day:—First, whether the Board of Trade would prepare the new Spanish Tariff, and lay it before the House in the same shape as the tariff of last year; and, secondly, he wished to know whether the articles now prohibited by the Spanish tariff were prohibited in the former tariff?

MR. LABOUCHERE said, the hon. and learned Gentleman was probably aware that the papers to which he alluded had

been laid on the table of the House, not by the Board of Trade, but the Foreign Office. If the hon. and learned Gentleman wished, he would undertake that this tariff should be prepared in the same shape as the tariff of 1841; but as the tariff contained 265 articles, some of them very minute, the preparation in that shape would, he was afraid, take some considerable time; but if the principal articles alone were considered necessary, it could be completed in a very short period. With regard to the second question, he believed the only alteration made was, that by the new tariff many prohibitions had been taken off, and that no new prohibitions had been created.

MR. BANKES said, he might, perhaps, be allowed to ask if there were any person now in Spain authorised to make remonstrances on the part of this country in case new prohibitions were laid on?

MR. LABOUCHERE said, the question was one rather for his noble Friend at the head of the Foreign Department than for him to answer, but he should imagine that the British Consul General would put any necessary question of the description alluded to by the hon. Gentleman to the Spanish Government.

Subject dropped.

VOTE BY BALLOT.

MR. H. BERKELEY: Sir, in consequence of a resolution passed last Session, I now have the honour of presenting myself to the House to ask their leave to bring in a Bill to give the electors of Great Britain and Ireland the protection of the ballot, in aid of their solemn and bounden duty to return fit and proper Members to serve in Parliament. I hope I may not be told, Sir, that the House was surprised or entrapped into passing such a resolution; the charge would be unjust! My notice stood for full three months on the votes and proceedings, the journals of this House, before I could obtain a hearing; and when delays took place over which I had no control, I addressed a letter to the editor of the *Times*, expressing my determination to bring on the question even if I took a Government night. Well then, hon. Members had their usual notices, and the Motion, deferred by no fault of mine, was heard on the 8th of August in a much larger House than usually meets for the transaction of business, however important, at the close of the Session—a House consisting of 171 Members, exclusive of the Speaker; and if there were Members absent, more intent upon discharging their guns at grouse than their duty to their constituents, I do not think that a resolution passed by hon. Members who prefer duty to pleasure should be disparaged on that account. As well might you disparage the acts of a quorum of a Committee, because the bulk of its members were pleased to go to the Derby or the Oaks. Sir, the important question is now before us in this position. By a solemn decision of this House you have conceded the principle, "That it is expedient in the elections of Members to serve in Parliament that the votes of the electors should be taken by way of ballot." I cannot then understand how hon. Members can now consistently with propriety refuse me permission to bring in this Bill, if they desire to uphold the dignity of the people's House, and to maintain respect for its decisions. Now, Sir, willingly would I save the time of the House, and say, I refer you to the debate of last Session, you have heard our case, and the miserable failure of anything like reply to it. You have conceded the principle—give me leave to carry that principle into detail; but to such a course I dare not confine myself, for I am told that I am to be stopped *in limine*—that the resolution of the House is to be set aside, and leave refused to bring in this Bill. Well, then, hon. Members will of course do as they usually do under such circumstances; they will raise the spectres of their destroyed arguments, and parade them as existing and substantial reasons for rejecting the measure. How was my hon. Friend the Member for Wolverhampton, during the corn-law debates, compelled to kill his dead over and over again, and then to do battle with their ghosts. Well, Sir, take up *Hansard*, and the same future presents itself in the debates on the ballot, with this addition, that I defy the most sceptical to read those debates without the truth flashing on their minds that the arguments against the measure are mere colourable apologies on which to found a negative vote; and when we compare the vast phalanx of talent arrayed against the measure, the ability, the ingenuity, the skill in debate, of its opponents, with the feeble arguments they use, the unpleasant impression is left on our minds that hon. Members are deeply hostile to the measure, but for other causes than those which they publicly assign. Well, then, Sir, under the circumstances, I must endeavour

to prepare for the threatened attack, and fortify, as I best may, the position we have already won. In exercising my discretion in doing this, I shall endeavour to merit indulgence by condensing the subject as far as I can; referring to past evidence and past arguments in favour of the ballot, merely to assert their inviolability. Sir, there is one particular argument upon which the opponents of the ballot always found their case: it has been used by the right hon. Baronets the Members for Tamworth and Ripon, and, lastly, by the noble Lord the Member for London, who rejoiced in it last Session, and placed it in the front of his battle. Sir, the whole of the noble Lord's case depended on the assumption "that secret voting is hostile to the spirit of the institutions and constitution of this country." Now, Sir, I cannot admit this dictum—unless it be likewise conceded that intimidation is a recognised principle in our electoral system. In sad earnest, Sir, in this country, open voting and intimidation are inseparable. If open voting then be a glorious institution, intimidation must be viewed as a valuable privilege, and I invite hon. Members frankly to confess as much—it would save trouble. But, Sir, when hon. Members take for their theme the necessity of open voting to enable the people freely to discuss men and measures, to weigh the merits of those who seek their suffrages—the opinions of electors being influenced by the opinions of the non-electors who stand as it were sentry over the polling booths to watch the result, I say, Sir, that when hon. Members expatiate on such topics, carefully keeping out of sight the counterbalancing and neutralising effects of intimidation, bribery, and corruption, that it is founding argument not only on fallacy but on fiction—that it is a hollow dream, a vision of Utopia. It may apply to a fancied state of things, but to nothing real, nothing at present existing in England. While hon. Members indulge in this romantic vein, stern reality stares them in the face, and points to that vast body of unimpeachable evidence, a slight summary of which I gave to the House last Session, and which should be to Members in this debate their *vade mecum*, and which proves beyond the possibility of a reasonable doubt, that inseparable from open voting are intimidation, compulsion and corruption, and that in our electoral system as at present formed, intimidation, compulsion, and corruption form the rule, and not the exception. Then, where is your argument? You cannot do away with the labours of the Committee which sat in '35; you cannot get rid of the appendix to it, furnished by the reports of the Election Committees sitting from that day to this; you cannot shake off the *viva voce* testimony given by hon. Members on the floor of this House during the debates on this subject. As an instance, turn to the debate in '42, and let me remind you of Mr. Ward's recital of estates changing hands several times, and the tenantry changing politics with their owners—owners! I use the word advisedly—for what are tenants so degraded but political slaves? Not less worthy of attention, though more feebly urged perhaps, was the attempt I made to lay bare the recognised proceedings of agents at elections—in the use of what they familiarly and technically call the screw. I produced canvassing books used by agents employed in various counties and boroughs, with their pencilled marginal notes, the deduction from which was inevitable, namely, that the art and mystery of a thorough electioneering agent is to institute an inquiry into the private lives and circumstances of the electors (an inquisition of years standing), and having discovered their liabilities and obligations, use their misfortunes as screws, wherewithal to twist from them a dishonest and unwilling vote; and thus I showed that at every election tens of thousands are intimidated, and driven to the poll under the screw of landlords, bankers, solicitors, creditors, and customers; while tens of thousands steer a medium course (not always with impunity) by refusing to vote or neglecting to register. I hope the House will not forget that last Session my hon. Friend the Member for Birmingham completely corroborated me on this point, distinctly telling you that in his important borough there were upwards of 1,000 electors deterred from going to poll from dread of the consequences of giving publicity to their conscientious votes. Yet, with the collective evidence of years staring you in the face—evidence you cannot repudiate—evidence you cannot gainsay—evidence which, if it proved anything, proves the deplorably vitiated state of the electoral system; yet, in spite of these facts, hon. Members are pleased to assume that we are in a primitive state of political innocence—that landlords carry out the noble principles of Sir Roger de Coverley, and disdain to control their dependants—that their tenants are so many portraits of

Farmer Ashfield—and that tradesmen are all representatives of Job Thornbury. In this poetical vein are hon. Members compelled to indulge, or their argument is worth nothing. I hope, however, that I may not be misunderstood nor misquoted. I grant that amongst the aristocracy and landocracy, men may be found with the fine qualities of the old Tory described by Addison and Steele. I admit that there are those among the agricultural classes who might well realise the portrait of Morton's independent farmer. I grant you that in the trading class there is many a specimen of the sturdy virtue of Colman's brazier. But this I assert, that the overweening lust for political sway on the part of the upper classes, has levelled and rendered nugatory the power of resistance on the part of the middling and lower classes, is a palsy on their independence, and has reduced them to the condition of political serfdom; and this in our vitiated electoral system is the rule and not the exception. Well, then, when the electors are not free agents, what becomes of the hollow theory of freedom of discussion and public opinion, and open voting as a test of both? This argument of hon. Gentlemen is a strong one for universal suffrage; because, if you attach so much importance to the opinions of the masses, why not entrust them with the franchise? But as against protected voting, the argument is not only worth nothing, but actually is an argument for the ballot—because, to give the elector fair play in our vitiated system, to secure to him that high privilege which now in bitter mockery you tell him is his right, you must protect him from, and place him beyond, the power of intimidation; then and then only will free discussion and the merits of men and measures take effect upon the mind of the electors and govern their votes. If the counties are in a miserable plight, in how much better a condition are the boroughs? You have the Reform Bill, it is true: it got rid of Old Sarum, Grampound, &c., &c.; and, lately, Sudbury was so openly profligate that you disfranchised it; but you still have left to console you as pretty a sprinkling of implicit boroughs as would delight the heart of Sir Pertinax Macsycophant himself, and there is a sufficient remnant of the old boroughmongering system left to enable some to boast, with that celebrated Scotchman, that they have at their command "three implicit boroughs which return their three implicit broomsticks." When I last had the honour of addressing you on this subject, I pointed out that there were 98 Members sent to Parliament by this kind of broomstick return—that is, by the direct influence of the aristocracy over 43,199 borough electors. Now of what use would it be to tell that body of electors to consult the opinion of any but that monied oligarchy which first purchases or intimidates the voter, and then stands by the open polling booth to see the vote given? Really, Sir, when hon. Gentlemen talk of protected voting doing away with the effect of public opinion, it seems to me to be a delusion so monstrous, that, like the delirium of poor old Falstaff, it is a "mere babbling of green fields." I have thus endeavoured to meet the principal argument brandished in our faces on all occasions; but there is a sequel to it, on which I would say a few words. It is pretended, "that if you give the electors power to conceal their votes, that it will be useless; that the electors are utterly unable to keep their own counsel, and that their votes would be known." This seems to me to be preposterous, and at variance with common sense. When ruin stares a man in the face if he talk, it appears to me to be a simple but satisfactory reason why he should hold his tongue. But it is said that the British elector must talk; that it is not in his nature to keep a secret—that in his great frankness or in his cups, he would betray his votes. In short, that the British Lion must roar, although in so doing he should prove himself an ass. Now when you attribute this extreme garrulity, and this highly communicative disposition to your fellow-countrymen, I think you do them injustice. You forget that hundreds of thousands of Odd Fellows, Foresters, and Masons, keep inviolable the secrets of their charitable orders. I find, too, that you hon. Gentlemen who belong to clubs do not betray your votes by ballot, nor publish your blackballing exploits. You know very well the force of the old axiom, "*garrula lingua nocet;*" why deny equal sagacity to the Parliamentary elector? Will you pardon me if I put a familiar case to you for the sake of drawing from it an inference? Would any hon. Gentleman who is a member of the Carlton club, after using the esteemed ballot box and blackballing some individual—let me say some military gentleman of Celtic origin and sanguine temperament—would he be likely to descend into the street and tell the said gentleman the favour he had just be-

stowed upon him? Sir, I think not. Heaven forbid that I should insinuate even for an instant that any hon. Gentleman could be acquainted with the ignoble sensation of fear! Far from it; but, Sir, discretion, which is said to be the better part of valour, would prevent the disclosure. But the poor elector does know the sensation of fear, for that which in your own case you call discretion, in his case you brand as ignoble, un-English, unmanly fear—and call it what you please, fear he must—he fears for the loss of his worldly gear, he fears for his farm, for his custom; he dreads the horrors of starvation hanging over his wife and family—and you pretend to think that this man cannot keep a secret while you can. Depend on it, Sir, that when secrecy is the price of safety, the secret will be kept with even more than clublike or masonic fidelity. But we impose no secrecy on voters: there is nothing in the Bill I propose, to prevent a voter from placarding his vote on his hat, or posting it on the walls—the power of secrecy is given to those who may need it in the discharge of a sacred and important right. That it will so protect them I confidently believe, in all fair-sized constituencies, and that the undue influence of persons high in station, rich in estate, will be set aside, while their due influence will be diminished not one jot. Sir, the observations I have had the honour to make, have been addressed hitherto to those who are utterly averse to the adoption of the ballot under any circumstances as a political reform. I now crave permission to address one word to those hon. Members who favour the ballot, but doubt its efficacy unless coupled with an extension of the suffrage. Now, I am willing to extend the suffrage, while I have not the least doubt of the efficacy of the ballot at the present moment with the electoral body as at present constituted. Reasoning of this sort must be generally conjectural; but of this one great fact there can be little doubt, namely, that the ballot cannot make matters worse; and this I am prepared to assert, that you can give me no proof of the failure of the ballot in any country in which it has been adopted, while I can furnish you with striking instances of its triumphant success. I have heard it asserted that the ballot was a failure in America—an assertion utterly groundless. At the present moment it is acting so gloriously for the protection of the dearest rights of mankind, that in the slave States, the traffickers in human flesh and blood seek to abolish it, because under its benign influence they dread the abolition of slavery. Sir, in a petition now on the table, signed by 7,128 inhabitants of the city of Bristol, they point to this startling fact, I beg to quote their argument:—

"That among the instances of the beneficial effects of secrecy of voting, one of the most striking is afforded by the electoral history of the United States of North America. That in these States the independent condition of the electors renders them generally indifferent to the concealment of their votes. That they are nevertheless so well aware of the protective power of the ballot that they have almost universally adopted it, and maintained it, and that it has been (as your petitioners are informed) proposed in the slaveholding States to abrogate it, with the avowed purpose of deterring the abolitionists from the honest exercise of their elective franchise."

Sir, can a higher eulogium be passed on the ballot than this? Thus the ballot in America is the sacred shield held up against the spirit of godless intimidation, for the protection of those who desire to carry out the best dictates of humanity, the most glorious attributes of Christianity — and thus in America intimidation desires to abrogate the right of voting by ballot; and thus in England intimidation refuses to concede that right. So much for secret voting in America. But, Sir, if I had a doubt that the ballot would work well with the present state of the franchise in England, that doubt would be dispelled by a comparison with our electoral system and that of Belgium. The House will remember that in 1830, the Belgian constitution was framed, the qualification for voting ranged differently at different places, from 20 florins to 100 florins, and the suffrage was then confined to 40,000 electors. In 1848 the Belgians improved their electoral system. One universal qualification of 20 florins was substituted, paid in direct taxation, or 1*l.* 15*s.* 3*d.*, English currency. A consequent increase of the electoral body from 40,000 to 80,000 took place with vote by ballot. Such is now the electoral system of Belgium; the fears of those who foretold that the change would have too democratic a tendency, were falsified. Men of property, probity, talent, and respectability, have been elected; and there can scarcely be pointed out a member in either Chamber who can fairly be termed a demagogue. In short, Sir, the Parliament of Belgium seems occupied in conjunction with her constitutional monarch, in devising schemes for the welfare and happiness of that eminently prosperous country,

Now, Sir, the fact in point which tells so forcibly for this branch of my argument is, that although the population of Belgium is more extensive in proportion to the electors than in England, yet the ballot acts in the most perfect manner; and thus I answer with a practical illustration the mere conjecture that in England the ballot would not succeed without an extension of the suffrage. I have here, Sir, an admirable pamphlet written by a conservative, and addressed to the conservatives of England. With the indulgence of the House, I would crave permission to quote a few sentences on the subject of the ballot in Belgium: the writer, Mr. Barnes, thus prefaces the subject of the ballot:—

"The main obstacle in Parliamentary Reform is a feeling of conservatism inherent in a prudent and cautious people, who, admiring the institutions along with which they have waxed in prosperity, are willing to bear long with the evils that may be seen to accompany these institutions, rather than to rush into the uncertain sea of extensive change. When this conservative feeling leads to the preservation and furtherance of the principles on which the national institutions are founded, then it claims for itself the appellation of a provident and sure philosophy. When it overlooks these organic principles, and clings pertinaciously to mere outward forms, it degenerates into ignorant and imperilling bigotry."

The writer then declares that the great recommendation to ballot in Belgium is the English character with which it is invested, and thus proceeds to tell us some of the evils which in Belgium vanish under its influence, as thus:—

"Before the ballot vanish corruption and bribery, the great or rich man's power to punish or reward an elector for his vote. Treatings, ill-disguised bribery under the garb of hospitality, expenses allowed to voters, the electors' fear of voting at all, and the intimidation of electors while proceeding to the poll, and all occasions of riot and disorder during the electoral operations. Intrigues of agents, the indirect bribery of candidates, induced to spend large sums of money with particular tradespeople; to promise employment to hungry multitudes, &c.; the impudent negotiations for, and sales of seats; the so frequent coming forward of candidates wholly unknown to the electors, except by the report of their long purses; the forced election of some landlord of the neighbourhood, of his witless scion or slavish nominee; and the expensive and vexatious Committees sitting on contested elections."

Sir, the writer then refers to the late Committee sitting on the Dublin petition, in which at least fifty or sixty witnesses were examined; books and papers brought over which weighed upwards of two tons, and the expenses of which falling on my unlucky and persecuted Friend, the Member for Dublin, exceeded 10,000*l*. Now, Sir, however denuded this question may be of novelty, I think there is something new in quoting a pamphlet, written by a conservative, in favour of the ballot. But this is not the only novelty I can boast of, for since I had the honour of addressing you on this subject, a remarkably contested election has taken place between two Tory gentlemen of Hampshire—Tories of the genus protective—the one a landlord of tenants, the other a tenant of landlords; the tenant was defeated, and he thereupon loudly declared that he was beaten unfairly, and that if he had had the ballot he should have been at the head of the poll. Sir, I have pointed to Belgium as affording an example we well might imitate. I was much struck the other day in reading a speech made by an illustrious scion of the House of Saxe Cobourg, as reported in the *Times*—a speech attributed to his Royal Highness Prince Albert during his late visit to Lincolnshire. His Royal Highness gave great praise to the relationship existing between landlord and tenant in that part of the country which he visited, and which he said did not depend merely on a written agreement but on mutual trust and confidence; and His Royal Highness expressed a hope that in time their example would be followed throughout the kingdom. Now, Sir, I look upon the ballot as a measure whereby trust and confidence between landlord and tenant may be cemented and improved. Confide in the people, and they will put their trust in you. Sir, I believe that protected voting will have a tendency to improve the relationship between the various orders of society. It will render the rich man more attentive to the wants of the poor. It will diminish absenteeism. It will extend the use of the suffrage, now unconstitutionally cramped and curtailed by the penalties attached to open voting. I ask leave to bring in this Bill, because I believe that it will cause the privileged classes to seek to gain that political distinction by merit which they are now enabled to win by gold, or constrain by force; and because it is calculated to uproot a system of terrorism—a foul blot on the otherwise fair escutcheon of this great and free country.

Mr. J. WILLIAMS seconded the Motion. He could assure the House that the trading classes were suffering persecution under the existing electoral system, and that they were compelled very often either to violate their consciences or to incur serious loss. He knew from observation

and experience what these classes had to endure in the city of Westminster and in Marylebone, and in the whole of the metropolitan boroughs. He had himself held very strong opinions upon political questions from his youth upwards, and he always thought that every man of full age, whether lodger or householder, had a right to possess the franchise, and to think and act for himself. For having advocated these views in early life he had incurred serious loss; but he had persevered nevertheless, because he was unwilling that the sufferings he endured should be perpetuated to the class to which he belonged. He would state two or three cases of intimidation which had come under his own observation, and he would commence with one in which he had been personally acted upon. During one of the elections in Marylebone, where his house of business was situated, he was called upon by one of his oldest customers—who was connected with several families of high distinction, whose custom was exceedingly valuable—to ask whether it was his intention to vote for so and so? He replied not, for that he had promised the other candidate, an hon. Friend of his own. The party said, "We beg that you will not only vote, but exert your influence for the opposite candidate." He (Mr. Williams) replied that he could not conscientiously comply with the request, and that whatever was the consequence, he was determined to adhere to his original resolution. "Then," said the party, "send in your account—we shall never darken your doors again." He abided by his decision, but that loss had been a serious one to him, and at a time, too, when he could very ill afford it. Another instance of intimidation had occurred in the case of a friend of his in Regent-street — a very honourable man, whose trade was confined to the higher classes of society. He was called upon by an honourable lady in her carriage, who said, "I want your vote for such and such a party." He replied, "I promised it to another." "Oh!" said she, "what has your promise to do with it? you ought to oblige your customers." "Well," rejoined he, "I would be glad to oblige you if I could, but I am promised to the other party." "Then," said she, "if you do not vote for us, I will go to the Duchess of so and so, and Lady so and so, and the hon. Mrs. so and so, and we will, all of us, withdraw our custom." "I am very sorry for that," observed the tradesman. "Order my carriage to drive to Lady so and so's directly," said she. "Order your carriage yourself, ma'am," said he, "you have your footman at the door." He had that day presented a petition in favour of the ballot from Mr. Fowler, of the borough of Cardigan, in which he said that the consequence of his refusing to vote with his landlord, who was a clergyman, the Rev. Hector Morgan, was the receipt of a letter from his son, Thomas Morgan, a solicitor, in which he gave the petitioner notice to quit, observing—"When a tenant votes against his landlord, the good-fellowship which ought to exist between them ceases; and it is my father's wish, as well as my own, that in future no one should hold under us who will not support our Parliamentary interest." He (Mr. Williams) should have thought that a solicitor would have known better than to commit himself by such a letter. He had received several letters respecting the Cardigan election, which showed the extent to which intimidation was carried, and the necessity there was for some protection. He had himself seen the tenant farmers watched at the booth, and when asked whom they were going to vote for, they said, "Mr. so and so, I suppose." Would any Gentleman say that that was a state of things that ought to be upheld in a free country? And if tradesmen could be victimised as he had described by their system of open voting, what, he would ask, was to become of the working classes—the very sinews of the land, as they were called? They were less able to bear up against intimidation, and, from their limited means of support, were more likely to be influenced by corruption. Many an independent fellow lost his situation for obeying the dictates of his conscience; and he would say also that he had known many an honest fellow to have swallowed the bitter pill of voting against it, rather than subject his wife and family to starvation. This picture, he was sorry to say, was the rule and not the exception in their boasted land of the free; and the only deathblow to such demoralisation he believed to be in the ballot. The ballot, at least, could not make things worse than they were; but, in his opinion, it would afford protection to the working classes in the free exercise of the elective franchise, would alter the present degrading position of the tradesman and tenant farmer, would bring many more thousand votes to the poll, and would cause those votes to be

made secrecy a censure. He regarded the Bill now sought to be introduced as not only affecting the order of the democracy, but also affecting the character and social relation of the aristocracy. Corruption implied two parties; but the guilt was not equally divided between them. To him, the corrupter and intimidator was the greater criminal of the two. Was it right that a man of family, of wealth, of station, with the honourable desire of devoting himself to the service of his country, when he looked to a seat in that House, and through it to lofty political power—was it right or fitting that such a man's first step should be upon a dirty path? Was it right or becoming, in a country like this, that corruption and intimidation should be the very first step of the man, who did not indeed "wade through slaughter to a throne," but through corruption to legislation, and who worked and won his way to a position whence he might bestow blessings on his country, but which he owed to the purchase of individual corruption and family calamities and disasters. The reports of the Committees of last Session had sufficiently shown the general system. The sums notoriously paid for seats in that House were matter of demonstration. In the great majority of cases the candidate himself knew little of the matter; but though unconscious as to the particular corruption, he could not be unconscious of the general management which took place, and of the manner in which the funds lodged at the bankers' in such cases were to be disposed of. Of this he must be aware; and he ought to make himself aware of the machinery by which this was brought to bear on the conduct of the electors. Could hon. Members realise to themselves that which went to serve the purpose of a very laudable ambition, they would shrink with some degree of hesitation. He, himself, knew a young man connected with a Member of that House, of promising talent, of pure principle, of a station which rendered it becoming that he should aspire to a seat in the Legislature, who was induced to stand one contested election; and the scenes he there witnessed of corruption, of the beating down of conscientious feeling in men's minds, and of the tampering with their principles, were such, that he could not overcome the moral disgust they occasioned, and he determined to abandon all prospect of public life as long as his existence continued. There might be an unusual tenderness of conscience in that case, but some analogous impression must be produced on all. A constant machinery was kept up in towns and counties, by the attorneys and agents and voters of the middle class, for corrupting the minds of their poorer fellow-countrymen, whose moral degradation was worked out, not only at election times, but from month to month, and from year to year. The operation was a continuous one. Many a man had been led to take his first step in guilt by having his conscientiousness broken down in being persuaded into the acceptance of a bribe. Many a family, supported by honest industry, had been led to rue the day when the tempter came to their door. It was recorded in the life of the poet Crabbe, that his father, an honest and industrious man in Suffolk, never recovered in his moral and domestic habits the effect of a warmly-contested election in that county, which led him into intemperance and debauchery, and destroyed his family peace. What was done in that case occurred in thousands and tens of thousands all over the country. However pure the aspirant to Parliamentary honours might be, he was part and parcel of a confederacy of demoralisation. There was a mission of corruption at work in the country, carrying disasters and disagreement into families, breaking down the integrity of the poorer classes—a mission more successful than many missions of a better character. While this went on, they would vainly endeavour to teach morals to the people: it would be hopeless to think that any good would arise from ragged schools, Sunday schools, national schools, or church schools, whilst they were practically taught that bribery, corruption, and debauchery were no vices, or had a counteracting power which made them virtues. Let not the blame be laid on human nature—let not voters be called corrupt, and an apology thus set up for those higher and wealthier classes who ought to be their leaders in better and more honourable paths. He did not believe this was the case. He had had opportunities of watching the progress of corruption—of seeing the arts by which in a constituency of between 1,000 and 2,000—at first pure, or nearly so—votes were afterwards notoriously bought and sold. The people were not corrupt if they were not led into temptation. He knew that by his own experience. The borough he had the honour to represent was a place with only an industrial aristocracy; it had 60,000 inha-

bitants; the franchise had been conferred upon it by the Reform Bill; and from that day to this he believed no instance had been known—certainly, none had ever been proved—of a bribe being offered and accepted. In his own case he had never spent one shilling, had never asked for a vote, and was not known to an individual in the place by personal acquaintance before he received their requisition. This was the manner in which their returns had always been made; it was the manner in which other boroughs would make theirs, if the higher classes would let them alone, or would but appeal to opinion rather than to sordid motives, to fear or apprehension, and thus call the best instead of the worst portion of their natures into active exercise and predominance. Were the gentlemen of England content with this?—were they satisfied that the lower and poorer classes should regard them as tempters and corrupt persons, and should doubt their honesty and honest patriotism, as needs they must when it came before them in such questionable shape? Was this an honourable position for those who, with their Norman blood, had been called the aristocracy of the world? Was it one to which they could reconcile their minds, and bring their consciences into a state of complacency? He hoped this was not the case, but that they had still some sense of what was due to right and justice. The example of America, which had been appealed to, was often questioned, and it was said the voting there was very much devoid of secrecy. That was the very state it was desirable to produce. Let us have the ballot here, and in a quarter of a century there would be no care whatever about secrecy. The prejudice in the minds of the propertied class would wear out that votes belonged to them, or were subjects of legitimate purchase; this exercise of power would become untenable; the fallacy would gradually wear out; and the rich would become conscious that they had no more to do with any man's choice of a candidate than they had with his choice of a wife or a servant. The Americans themselves were the best judges whether the ballot had answered its purpose. If it had not, why was it that not a single State had exchanged it for open voting? On the other hand, it had gradually extended from one State to another; and within a few years the important States of Connecticut and Louisiana had adopted it. Without the ballot, whatever that House might represent, it would not represent the people. One great benefit of such a mode of voting would be that the candidate would feel the struggle to be, not one of influence or party, but of opinion, and would therefore apply himself to act upon opinion. Instead of going about with a train of those who had influence over the parties visited, he would endeavour to reach the principles of the voters, to act upon their minds, to give them knowledge if they were in ignorance, to dissipate their prejudices, and raise the fabric of his own political reputation on the firm basis of their intelligent support. In this way elections would become a school of moral and mental influence, instead of being a continuous source of corruption and depravity. For the sake of the consistency of the House, which had already passed that resolution—for the sake of the many thousands who could not freely exercise their rights of citizenship—for the sake of the parties who intimidated and domineered over them—and for the sake of generating a better feeling amongst these classes, he should give his hearty support to the Motion.

SIR H. VERNEY said, that there was, in his opinion, nothing contemptuous in the mode in which the House had listened to that debate. It had been said that the elector may be injured, but may the Member of Parliament not suffer, too, by the votes which he may give in the House? He knew not upon what principle it could be contended that the electors should vote privately while the Member was required to vote publicly. He would rest his opposition to the Motion, on the ground that the exercise of the franchise was a public duty, and ought to be performed in the face of day.

MR. H. BERKELEY in reply, said, he could assure the House that he would not detain them a minute. He would say nothing in answer to the arguments which had been adduced against his Motion; he would content himself with leaving it to hon. Members to say how far it was respectful in the Government to let the question go to a vote with one Member of the Government speaking upon it.

The House divided:—Ayes 85; Noes 136: Majority 51.

List of the AYES.

Adair, H. E.	Bass, M. T.
Adair, R. A. S.	Berkeley, hon. Capt.
Aglionby, H. A.	Berkeley, hon. G. F.
Alcock, T.	Bernal, R.
Armstrong, R. B.	Boyle, hon. Col.

Brotherton, J.
Brown, H.
Busfeild, W.
Callaghan, D.
Clay, J.
Clay, Sir W.
Cobden, R.
Cockburn, A. J. E.
Collins, W.
Crawford, W. S.
Dalrymple, Capt.
Davie, Sir H. R. F.
Devereux, J. T.
D'Eyncourt, rt.hn. C.T.
Duncan, G.
Dundas, Adm.
Evans, Sir De L.
Ewart, W.
Ferguson, Col.
Fox, W. J.
Freestun, Col.
Gibson, rt. hon. T. M.
Grenfell, C. P.
Harris, R.
Henry, A.
Heywood, J.
Hill, Lord M.
Hodges, T. L.
Keppel, hon. G. T.
Kershaw, J.
King, hon. P. J. L.
Langston, J. H.
Lushington, C.
M'Cullagh, W. T.
Milner, W. M. E.
Mitchell, T. A.
Morris, D.
Muntz, G. F.
Nugent, Lord
O'Connell, J.
O'Connor, F.
O'Flaherty, A.
Osborne, R.
Pearson, C.
Pigott, F.
Pilkington, J.
Power, Dr.
Power, N.
Pryse, P.
Raphael, A.
Rawdon, Col.
Ricardo, O.
Robartes, T. J. A.
Roebuck, J. A.
Salwey, Col.
Scholefield, W.
Sidney, Ald.
Smith, J. A.
Smith, J. B.
Stuart, Lord D.
Stuart, Lord J.
Talfourd, Serj.
Tancred, H. W.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Villiers, hon. C.
Vivian, J. H.
Walmsley, Sir J.
Wawn, J. T.
Westhead, J. P.
Willcox, B. M.
Willyams, H.
Wood, W. P.
Wyvill, M.

TELLERS.

Berkeley, H.
Williams, J.

List of the NOES.

Acland, Sir T. D.
Anson, Visct.
Arundel and Surrey, Earl of
Bailey, J. Jun.
Baillie, H. J.
Bankes, G.
Baring, rt. hon. Sir F. T.
Baring, T.
Barrington, Visct.
Bateson, T.
Beckett, W.
Bentinck, Lord H.
Birch, Sir T. B.
Blackall, S. W.
Blair, S.
Boldero, H. G.
Bramston, T. W.
Brand, T.
Bremridge, R.
Brooke, Lord
Buck, L. W.
Buller, Sir J. Y.
Burke, Sir T. J.
Burrell, Sir C. M.
Buxton, Sir E. N.
Campbell, hon. W. F.
Carter, J. B.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cavendish, W. G.
Chaplin, W. J.
Cobbold, J. C.
Cochrane, A. D. R. W. B.
Codrington, Sir W.
Colebrooke, Sir T. E.
Coles, H. B.
Colvile, C. R.
Crowder, R. B.
Cubitt, W.
Deedes, W.
Denison, J. E.
Dodd, G.
Drax, J. S. W.
Dundas, G.
Dunne, F. P.
East, Sir J. B.
Edwards, H.
Euston, Earl of
Foley, J. H. H.
French, F.
Frewen, C. H.
Galway, Visct.
Gaskell, J. M.
Goddard, A. L.
Gordon, Adm.
Goring, C.
Goulburn, rt. hon. H.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Granby, Marq. of
Greenall, G.
Greene, T.
Grey, rt. hon. Sir G.
Gwyn, H.
Haggitt, F. R.
Harcourt, G. G.
Hayter, rt. hon. W. G.
Heald, J.
Heathcote, G. J.
Henley, J. W.
Herbert, rt. hon. S.
Hervey, Lord A.
Hill, Lord E.
Hobhouse, rt.hon. Sir J.
Hope, Sir J.
Howard, Lord E.
Howard, hon. E. G. G.
Hughes, W. B.
Jocelyn, Visct.
Jones, Capt.
Labouchere, rt. hon. H.
Lacy, H. C.
Lascelles, hon. W. S.
Lemon, Sir C.
Lennox, Lord H. G.
Lewis, rt. hn. Sir T. F.
Lewis, G. C.
Lewisham, Visct.
Lincoln, Earl of
Lindsay, hon. Col.
Littleton, hon. E. R.
Lockhart, W.
Lopes, Sir R.
Lygon, hon. Gen.
Mackinnon, W. A.
Magan, W. H.
Maitland, T.
Maxwell, hon. J. P.
Morison, Sir W.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mundy, W.
Neeld, J.
Newdegate, C. N.
Newport, Visct.
Noel, hon. G. J.
Oswald, A.
Owen, Sir J.
Palmerston, Visct.
Peel, rt. hon. Sir R.
Peel, F.
Plumptre, J. P.
Portal, M.
Powlett, Lord W.
Price, Sir R.
Repton, G. W. J.
Richards, R.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Scott, hon. F.
Smyth, J. G.
Somerset, Capt.
Sotheron, T. H. S.
Stafford, A.
Stanton, W. H.
Stuart, H.
Sutton, J. H. M.
Townley, R. G.
Tyrell, Sir J. T.
Vane, Lord H.
Verner, Sir W.
Williamson, Sir. H
Wood, rt. hon. Sir C.
Wortley, rt. hon. J. S.
Wynn, rt. hon. C. W. W.

TELLERS.

Cowper, hon. W. F.
Verney, Sir H.

COLONIAL POSSESSIONS.

MR. ROEBUCK then rose to move for leave to bring in a Bill for the better government of certain portions of our colonial possessions. The subject, he said, to which he was about to draw the attention of the House was not an attractive one, or one from which it was likely they would derive any amusement. He was about to ask the House to legislate with respect to large interests, but he was not about to deal with those interests in a manner which could excite personal animosity. He was not about to attack individuals or make charges; all that he had in view was the welfare of a portion of his fellow-countrymen. He had been told, however, that the measure he was about to propose to the House was not likely to meet with such a degree of attention that the Government would permit him to bring it forward in the shape of a Bill. He disclaimed any intention of taking the House by surprise, having already, as briefly as he could to the House, and in a printed form, stated his opinions on the matter, and the principles which he desired to have embodied in an Act of Parliament.

England had been a colonising nation since 1606; but during all that time she had acted without rule or principle. We had, in reality, become the greatest colonising power the earth had ever seen. He said this of ourselves and of those who had succeeded us; he said this, bearing in mind those ancient colonisers, the Greeks, and the more modern colonisers, the Spaniards, who had preceded us in the great business of colonisation. But looking at both those great people, he still said that the English were the greatest colonising nation on the face of the globe. But they had acquired that great distinction, not by any rule or principle—not by any government assistance—not by any aid—but by their own inherent strength. The people had done it all, irrespective of government assistance. Now, he knew that this admission would be used as an argument against himself; but he was about to bring into competition with ourselves another people who, like us, were a colonising nation; and when he said that England was the greatest coloniser the world ever saw, he was also prepared to say that the American people had succeeded to us. Two systems or modes had been adopted with respect to colonisation. First, they had the system of England, if it could be called a system. He proposed to compare those two modes of proceeding; and he should then ask the House to permit him to embody in a Bill the mode which, after some consideration of it, he considered most conducive to the end in view—namely, the welfare of our colonies. He was told, however, that that consent would not be given. He was told that our system was so good—that the noble Earl at the head of colonial affairs was so well contented with his position, and with the effects he had produced upon the whole of our colonies—that he was so well contented with the friendliness, comfort, and quiet which all our colonies exhibited—that he was so delighted with his past system, and the results of his present experience, that he would not allow any one to interfere, even by experiment in the shape of a Bill, with the extraordinary Government of which he was now the undisputed head. He (Mr. Roebuck) dared not ask why our American colonies were in their present state; he dared not look to New Zealand or South Africa; in fact, he dared not look to any portion of our colonial dominions if he desired to see peace and contentment as a result of our present colonial system. But there were other considerations which he might lay before the House to induce them to pause at the present time, and to consider the great dangers which we at this moment ran in at least one part of our colonial possessions. He thought he should be able to show to the House that if something were not done (and he would point out what he thought that something should be), and that very quickly, we should at least lose the mastery over that portion of our colonial dominions —that we should see that proud and encroaching Republic, whose territory extended from the Isthmus of Panama to the North Pole, possessed not only of a vast dominion, but assuming supremacy as a maritime power over every portion of the world. This was no idle fear, no slight concern; for we might find ourselves shorn of our dominion, shattered in strength, and degraded in the eyes of the world. And why would this occur? Because, regardless of danger when danger was near, we gave up the consideration of those interests to those who were not capable of understanding or meeting the danger; because we put faith in a Government which did not know how to act. He accepted the proposition that our colonial empire was a benefit to—indeed a source of strength to this country. But he must be allowed to state what he meant by our colonial empire. He did not mean the possession of barren wastes—he did not mean an extent of empire upon which the sun never set, but communities which were willingly and lovingly our subjects, considering themselves as being honoured by connexion with us—communities willing to render us homage and a willing and unforced obedience; he meant an empire of thriving communities planted by Englishmen, and possessing their name, language, literature, feelings, and religion. Enforced allegiance, on the other hand, made colonial dominion a curse rather than a blessing, a curse as well to the governed as to the governing. Hon. Friends of his were constantly submitting measures of economy to that House, and pointing to the expense of our Army, Navy, and Ordnance. Could not, it was asked, that expense be diminished? "No," said the Government, "it is impossible. Consider the colonial dominion of England, extending to every quarter of the globe. How can it be maintained without Army and Navy?" He would tell the House how our colonial dominion could be maintained. By a good and beneficent dominion, by making the

people willing subjects of the Crown. How were the colonies governed at the present moment? Perhaps the best phase of our Government was its neglect of them. But sometimes we governed in a mischievous spirit of meddling, which the colonists would not tolerate, and then we found ourselves disgraced and defeated, or in a state almost as disgraceful as defeat. Such was the history of our colonial dominion from its commencement, in 1606, down to the granting of the charter to Vancouver's Island. Our mode of colonisation could only be judged of by its results; and testing it by them, he would doubtless be met by the statement which he had already made that England was the largest coloniser the world ever saw; but he would show that this circumstance arose, not so much from England herself as from the other States which she had founded. But taking the colonial dominion of England herself, what were the principles under which that dominion had been exercised, and what the effects that it had produced? First, we laid the foundation of thirteen colonies in North America, the only one of which that received any assistance from the Government being Georgia. These colonies began by chartered companies, and the great lesson taught us by experience was, that in every case where it had been tried, a chartered company had failed in its office. If they looked to the history of Virginia, Massachusetts, Carolina, Pennsylvania, or Georgia, in every instance it would be found that wherever there had been a chartered company, receiving a power from this country, that company had to be displaced and utterly divested of all its powers and capacities before the colony could by any means be made to succeed. This was a truth so firmly established by history, that none would venture to gainsay it; and yet, in spite of that lesson, the only mode which the Goverment at present had of improving their system, was by appeal to a chartered company. If the potato rot visited Ireland, and the people were plunged in terrible distress in consequence, up got some philanthropic individual and said, "Let us colonise." Every man had his own nostrum; but he would warn them, that every attempt of that sort must necessarily fail. Any attempt at relieving England by colonisation, he believed, would utterly fail. Many Gentlemen did not seem to know that colonisation or emigration was of itself a misery. An old fable or superstition existed in the middle ages, that if you dug up a mandrake from the earth, it emitted a sound of grief at being severed from its native soil; and he was speaking what he knew to be true, when he said that for a man to tear himself from his native land was, and must ever be, a direful misfortune; and it was no business of a Government to take a man and remove him from his own country. Let a man voluntarily, and of his own forethought, when he found his native land could not afford him the means of maintaining himself and his family in comfort, be allowed to transplant himself elsewhere and seek better fortune; and by prudence, forethought, and care, a Government might lay broad foundations for great nations yet to come. That would be to act wisely, prudentially, and statesmanlike; but there was no wisdom or humanity in pretending to relieve the distresses of our own country by shipping off hundreds and thousands of our countrymen to distant lands, and getting rid of them in that manner. Shipload after shipload of miserable wretches had been dragged away and cast on a desolate shore to shift for themselves how they best could. "Out of sight out of mind." Whether their future fortunes might be good or bad it mattered not—we had got rid of them, they were out of sight, and that was all that was desired. That was neither a wise nor a statesmanlike course. He would take a case to illustrate the working of our present colonial system. Some twenty-four years ago, in the reign of George IV., an Act of Parliament was passed, conferring 1,000,000 of acres of land in Australia on a company called the Australian Agricultural Company. He would suppose, that as many as were present in that House, with their friends, and a large body of retainers, under the pressure of adverse circumstances, wished to try their fortunes in another clime, and that with this view they chose to transport themselves to some portion of this million of acres. After a prosperous voyage they landed in Australia, at some admirable harbour. They found themselves under a fine climate, and asked themselves what they were to do. Now there was no provision made for these people, no predeterminate survey directing them to go to a specific place; there was no established law—they could not say at any moment there what the law was; there were no magistrates to administer justice to them —no government to control them—no

predeterminate rule for them to guide and conduct themselves by hereafter. He would ask was this a correct representation of the facts? And if it was, was it not a most extraordinary and a most lamentable fact, that throughout that vast empire there was no rule or system by which any band of emigrants could know the circumstances under which they would be placed in the land of their adoption? If they went to Canada, Nova Scotia, or some other of the North American colonies, they might find some surveys, and law, and government; but the moment they went to a new and wild part of the world, no provision was made for anything like a new settlement; and the consequence was, that the contrast was exhibited, which he would show them when he compared what we were doing with what was going on within only a few miles of our own dominions. He was not now speaking of the colonies we had already peopled; but he wished that not only should colonies like Nova Scotia be inhabited, but also colonies on the opposite shore. He wished to see the shores of the Pacific also inhabited, and the island of Vancouver, which we had foolishly allowed to pass out of our hands for nothing. Look at the Americans in Oregon. Had they done nothing to show their emigrants what law they should live under, what they had to give for their land, where it was situated, or that they would still retain the character of American citizens, and also that if they were industrious, active, and (as they always were) shrewd and careful, at no distant period the settlers in Oregon would form two new and sovereign States, to be received into the United States' confederation? While such would be the consequence of the enterprise and sagacity of our neighbours, we would see Vancouver's Island a mere idle and uninhabited waste in the hands of the Hudson's Bay Company. He was not now making any invidious or vituperative charges against the Colonial Office, but he sought to fix on our colonial system, if system it could be called, the character of being one of the most idle and ill-contrived systems that ever disgraced a nation. In 1783, by the Treaty of Paris, we acknowledged the independence of the Thirteen States of the American Union. At that time the territories of the United States stretched to this extent—drawing a line commencing with the Atlantic Ocean, at the point where their territory was separated from Nova Scotia, it ran westward until it touched the St. Lawrence, and thence by the great lakes till it reached Lake Superior, which formed the north-western corner of the United States. The boundary line ran down the Mississippi, the waters of that river, by the treaty of Paris, being made the common highway of both nations for ever. The boundary line then went down to Florida, which was the southernmost point of the United States dominions. Then it came directly across to the Atlantic, forming the southern boundary; and then it ran back to the point at which he had started, at Nova Scotia. These constituted the limits of the territory of the then United States; but what had taken place since that period? Why, they had run their line still westward from Lake Superior till they reached the Pacific, and along the Pacific they stretched to Old California, and thence across to the Atlantic Ocean: more than quadrupling the size of the former United States. In the meantime we had gained nothing in dominion. Then the United States had three millions of population, while we in Canada, with a much larger territory, had not more than 200,000. The United States had since increased their population by colonisation to something like 25,000,000, exclusive of the Indian population, while ours had not reached 2,000,000. And how was this? He might be told that America had only to people conterminous territory, and that its colonisation was as easy as peopling Yorkshire from Lincolnshire in this country; and therefore the comparison with the efforts of this country, thousands of miles off, was altogether unfair and unreasonable. But, he would ask, who were the people who composed the settlers of the United States colonies? Who, for instance, was it that colonised Ohio from Louisiana? Why, our own people—the Irish and the Scotch, who, as he would show them in two minutes, were still going away from us now. They had not stopped on English soil, and why was that? Because of the system which he was now attacking. They passed away onwards from our dominions, and placed themselves under the dominion of the United States. Only the other day he received an important letter—important, not from the number of persons of whom it spoke, but from other obvious circumstances—from a portion of his constituents in Sheffield, who were about leaving this country, but not to go to Canada, New

Zealand, Australia, or South Africa, but to Texas; and the purport of the letter was, that the parties wished him to communicate in their behalf with Mr. Bancroft, the American Minister in this country, and get him to use his influence with the President of his own Government, in order to procure them the grant of 4,000 acres of land; and he (Mr. Roebuck) now held in his hand a copy of the rules and regulations and Schedule of the American Free Emigration Society, showing the advantage of emigration under the auspices of the United States. If they were to go to our colonies, they would go to a state of degradation and uncertainty; there was no rule to guide and govern them; they would lose their former standing and position. He was not speaking fantastically, for anybody could examine the matter for himself by a careful consideration. He would find that a man wishing to emigrate with his wife and family of boys and girls encountered a real difficulty and uncertainty as to where he was actually going, and what were the laws. If there was a predetermined rule extending over the colonies, persons would feel and learn that no such uncertainty existed; but there was no law but the mere will or whim of the Colonial Office, and even that, somehow or other, was never put upon paper, so that people might know what they really had to expect and to trust to; for if even the rule was rather a bad one, there might still be some good in it, if it were only fixed and determinate. But there was no such rule. Now, he thought it right to tell the House, that he thought any attempt to provide for all the colonies by a single Act would be impracticable. There were places under the dominion of the Colonial Office, such as Malta and the Ionian Islands, that did not deserve the name of colonies. A colony, in the sense in which he used the term, was a settlement planted by Englishmen, who went there with the intention of making it their home for ever, of propagating and continuing their race there, and going on from generation to generation, until they hereafter made themselves a great and commanding people. The West Indian colonies having so large a black population, so different in its nature from the white race, must have special legislation for so exceedingly special a set of circumstances, and therefore he proposed to exclude all colonies in that category from the present Bill. It would not be wise or discreet to lump all the colonies together, and provide only one mode of government for such widely different communities. Still his Bill should have reference to the North American colonies, South Africa, Australia, and he would also include New Zealand. There should be one system of law for settling colonies, another system for them when they were settled, and, lastly, a third system for colonies in confederation or union. Formerly the advantage derived from colonies came in the shape of tribute; but the ancient system, under the navigation laws of Charles II., was now at an end, and the old shibboleth of "ships, colonies, and commerce," was now blown to the winds. We could now only hope to derive benefit from our colonies by making them thriving communities, having habits, wants, and manners like our own, and, therefore, creating an increased demand for our products; our advantage from these vast possessions could only be obtained from increased reciprocal trade, untrammelled, unchecked, unconfined—from free trade in every sense of the word. What, then, was our wisest policy? To make the number of our colonial subjects as large as we could; to place them on a fertile soil; so as to enable them to make us the largest return for what we can offer them. Therefore, all our legislation and laws ought to be framed so as to facilitate, encourage, aid, and direct their settlement. The United States of America had an enormous territory of wild land under a genial climate, far more so than that of our North American possessions. But there were territories of enormous extent belonging to us in North America, under a really happy climate, yet waste, and without a single inhabitant. There being, then, no fear of our wanting land under a happy climate, let him not be told that the United States had a much better climate. Upper Canada was not only far more fertile, but far more healthy, than corresponding parts of the United States. He had been talking only that day with an American, who told him what his countrymen would do with such a splendid possession as Upper Canada, by intersecting it with railways and canals, if it only belonged to them. In the year 1787 an Act of the first Government of the United States was passed for a vast extent of territory—the north-west territory of North America—which now formed five independent States incorporated within the Union. The Act provided for the gradual formation of that land into settled

communities, until they should grow into States fit to become sovereign and independent members of the great confederation of the United States. And why should not England have adopted a similar course? The whole thing was like a well-made watch — it went from that moment, and never ceased to go. There it was still continuing; and what had been the result? Five magnificent sovereign States had been carved out of that wild territory since 1787; and while they saw all that going on, what had they done in Upper and Lower Canada, with a territory quite as large and fertile, and with a finer climate? —for if during some periods it was more rigorous, it also was more healthy. While the United States had made those five great States of their portion of territory— one only of which, namely, Ohio, had 1,500,000 inhabitants — the British Government had scarcely done more than the progressive increase of mankind would provide them with in the way of population. There was wretchedness and misery, and, now, nearly a rebellion, in that unhappy country, which was not blessed but cursed by their rule. When they put boundaries to Upper and Lower Canada, which they have not now, and when settlements were formed with a certain number of inhabitants, the people should possess certain privileges—representation and self-government; and what portion of their North American colonies would object to that? While he wanted to form settlements, he wanted, also, to preserve a metropolitan government, and they could only do it by a governor appointed by the Crown. He would give them a law which would lay down the rule by which they should choose their representatives; but then it was said the Government did not object to it, but the colonies would object to his principle. The principle he wished to establish was, a free trade between the colonies and the mother country — a reciprocal free trade — a free trade in reality, and not a name. In fact, self-government and free trade were the two principles on which his law of settlement would be based. He proposed that every portion of their colonial empire—at least, every portion of the territory of which he had spoken—should be subject to this law; and when any person wished to acquire land, instead of throwing away vast and most valuable property—instead of doing it in that form—he desired, by the Act of Parliament he wished to lay before the House, to lay it down as a rule that no land should be in any way parted with from the Crown unless it lay within the survey boundaries of some distinct territory. According to the system adopted by the United States, first of all a certain amount of wild land was a territory; when it was found that there was a certain amount of population within that territory, it then became a State; when it had reached a certain number of population, it then formed its own constitution, and was received by Act of the United States into the confederation, and became one of the stars of their constellation. He proposed that they should do a similar thing; that their wild land should be a settlement before it became a province; that while it was a settlement it should be legislated for by the Act of Parliament he was about to propose. It should have a constitution fitted for its new condition, and when there was a certain number of inhabitants, to be determined by a census taken in five years—say 10,000 persons—by that very fact it should cease to be a settlement, and become a province, which by the same Act of Parliament would receive its definite constitution. Let them look, in the next place, to New Zealand, and see what the noble Earl, who would not let them bring in an Act of Parliament, was doing with New Zealand. New Zealand was a great way off; for its management they trusted to the head of the Colonial Office, who proposed a Bill for New Zealand, and that Bill passed. He believed that when it passed, not twenty Members read it; but it was passed, and sent out; but the Governor said he did not like it, and this very Colonial Secretary, who would not allow the slightest intervention with his preconceived opinions and mode of government, found out all of a sudden that he was wrong; and he came to Parliament to cancel this very Bill, and to overturn the constitution he had himself made; merely because the Governor told him a certain thing connected with it, he came to Parliament and said he made a mistake. That did not come up to his (Mr. Roebuck's) notion as to what should be the conduct of a statesman. He (Mr. Roebuck) had sat on a Committee with the noble Earl, when he had heard disputes about the country, and quarrels about the land; and could any man say that if a settled and preconceived rule was adopted respecting New Zealand, it would be in the condition it is at present? The very case of New Zealand alone was enough to damn the

Colonial Office. It was a fine country, and when a body of Englishmen proposed to colonise it, they said they were ready to bring out 10,000 men, and place them under well-conceived and set rules. What was the answer? Certainly his hon. Friend the Under Secretary of State was not then in the Colonial Office, and he did not direct these remarks to him; it was the fault of the system. The answer was, "Do not always din New Zealand in our ears—we will not have it." But Englishmen were not to be put aside. They proceeded to New Zealand. Before their departure they drew up a paper to abide by a certain law, and they left this country throwing off, as it were, all obedience to England. When they landed in New Zealand it was not under the control of the Colonial Office; and at that moment New Zealand was not supposed to belong to England. In fact, after that England sent a consul to New Zealand, and treated with the aborigines as with independent States and people. He was now quoting a celebrated treaty—the treaty of Waitangi. The people who proceeded to New Zealand were an energetic race, well to do in the world. They were careful men, blessed with something of the world's goods. They were men who wanted to better their condition, and who had the courage to try. Instead of being aided by any preconcerted law, they had every difficulty increased, every hope thwarted, every sanguine expectation damped; and at the present moment New Zealand is not the settlement it should be. He would go on with the history of New Zealand. Those people, as he had stated, went out there, and at last a governor was sent out. There was no rule, no law, but they sent out a governor—and that was not all. The island of New Zealand (or rather the three islands composing it) stretches in a slanting direction down from the north-west to the south-east. At one end, towards the north, there was a missionary station, where there was a small population of whites gathered together in consequence of some missionary labours. The large body of settlers—the 10,000 men—rich, when compared with the others, in the world's good, went to Cook's Straits, and made a new settlement about 300 miles distant from the other place. Where did the Colonial Office place the Governor? Was it amongst the multitude of the people? Not at all; he was sent up to the north amongst the idle and small body. That was another proof of this admirable system. No rule was made as regarded property at all; but the property was acquired by persons who were called the New Zealand Company, who bought it, they said, from the aborigines: but down comes the Governor and says, "No; we don't like the bargain; you cannot have the land, for there is no rule laid down yet respecting land." The result was a quarrel, which stopped all chance of improvement in that island for years, and cost this country much money, and that was because there was no rule—a law which ought to be brought in and suggested by the Government. It should not be left to him to propose such a law, for if the Government were to do their duty they would say, "we will do it for them." However, they would not do it, but left it to be done by others. The Governor went to New Zealand, and quarrelled with the company; and the natives, being a shrewd race, finding there was no rule, and the bargain they had made was not the best, expected to get something by quarrelling about the bargain. The Governor supported them, and what was the consequence?—war, confusion, bloodshed—many valuable lives were lost, and all in consequence of the imprudence of the Colonial Office. He had found fault most lustily with the course that was then taken, and he found no person more energetic in support of every hard word he could use than the noble Earl now at the head of the Colonial Office. But by the unhappy change that converted the noble Earl from an Opposition Member into a Member of the Government, that perspicacity that could discover faults—he (Mr. Roebuck) would not say where faults were not—seemed to have left him. The noble Earl certainly did not previously want zeal to discover such faults, and when he found them, he gave them the epithets they deserved. But what was the state of New Zealand now? He did not know, and, what was more, he would be bound the noble Earl himself did not know. Now, he would go to Canada, and there, also, there was no rule. He recollected that some years ago, standing near the place he then stood, he told the House what would be the result of their determination to do away with the constitutional law of Canada. Everything turned out as he had prophesied; and why? Because they always legislated for the existing time, and they were always driven to legislate in the midst of pressing difficulties. They never

laid down a rule by which those difficulties might be avoided. What did the Americans now say about Upper and Lower Canada? They said the moment they were annexed (that was the phrase) the two colonies would be separated into two States—the French people under their own law, and the Upper Canadians under theirs. If they did not adopt some rule in Canada, they would have a different result from that which they had in New Zealand. New Zealand is a small place; it is an island in the wide ocean; there is no great republic near it. The total amount of harm they could do them was to inhibit and put a stop to anything like a thriving and happy system in the colony; but what would happen in Canada? He felt confident that they would go on from day to day putting off the mischief, until at length that great evil would occur, that they would demand to be an independent people, and throw themselves upon the United States for support. That support would be given to them; and if they resisted, there would be a war with the most disastrous consequences, for it would be a war in which victory would be impossible. Let them even conquer the people, and they would not gain their end. Canada, if she once rebelled, must be independent; and when she became independent, she must be one of the United States. He was anxious to prevent that, and wished to come to the consideration of the question calmly and gravely. He saw the danger—he fancied also that he saw the way to escape it. His only hope was by the adoption of that predetermined rule of which he spoke, and by making the colony what it ought to be—a band of confederate States, looking to England over the water for support, and not burdened with a mischievous Colonial Office. They were now to deal not with this day's difficulty, but with the difficulty of all coming time. America, if they did not interfere, would pass that great highway—the St. Lawrence—and would extend her dominions to the Pole. Looking to that event, could they prevent it? They could—but not by half measures, not by a meddling Colonial Office—it could only be done by a bold hand, by far-sighted policy, courage, and ability. Let the noble Earl try his hand again at constitution making, and they would review his proceedings with all possible favour, and with the desire to make them effective. If that was not done, then let them listen to the plan he (Mr. Roebuck) proposed. He proposed to make at once the North American provinces into a confederate union. By that course they might hope to extend our colonies as they ought to be, and to increase them in that vast territory just as the Americans had increased theirs within the last year in the Oregon territory—the very land which was given up under Lord Ashburton's treaty. [Lord J. RUSSELL observed, that it was given up subsequently to Lord Ashburton's mission.] That did not displace his argument. This country had a settlement north-west of the Columbian river: it was theirs—it no longer belongs to the sovereignty of England, but is now a territory of the United States of America with regular boundaries, set out in the land survey, and sending Members to Congress as representing the territory of Oregon; and in a few years it would have the requisite number of inhabitants, and then would be formed into two independent States. Why should they not do the same thing in Canada? Why should they not have settlements there such as he wanted, and which would be equivalent to the American territory? They would have very quickly that settlement made into a province, and entering into their great federal union. What reason was there that it should not be done? What mischief could possibly be expected to accrue from it? He might be told he was preparing the way for the independence of Canada. The time was coming when she would be so, and he was preparing the way that she should not be separated from them by war, but by amicable settlement. His plan would be to regulate the boundaries of Upper and Lower Canada, which at present are but imperfectly known. He would have the boundary accurately defined, and he would then have a governor-general of the federal union—that governor going out from England. He would have each separate State sending its members to represent that State, and forming the legislative assembly. He would have the people of the separate provinces represented as they are in the House of Representatives in the United States, and let that body be considered the united legislature of those provinces. By these means he hoped to make our colonies our glory and our safety, instead of what they had always hitherto been, our humiliation, shame, and difficulty.

Motion made, and Question put—

"That leave be given to bring in a Bill for the

better government of certain of our Colonial Possessions."

Mr. WYLD seconded the Motion.

Mr. HAWES said, his hon. and learned Friend, with his characteristic ability and straightforwardness, had explained to the House his views of colonial policy, and had given him (Mr. Hawes) and the public the advantage of more carefully and deliberately considering those views in the work which he had published on the subject, and which had been for some time before the public. The House, therefore, did not approach this subject as upon ordinary occasions; because, upon a matter of this great importance, had his hon. and learned Friend proposed to introduce a Bill without so full an exposition of his views as he had given in his speech and the work he had referred to, he should scarcely have been justified in saying that his hon. and learned Friend ought not to have the opportunity of bringing in the Bill, and giving the House the benefit of its perusal. But they were already in possession of the principles and details of his hon. and learned Friend's measure; and it would be inexcusable in him if he were not to say at once, that there were strong, and, he thought, decided, reasons against proceeding with it. He concurred with his hon. and learned Friend, that the highest and noblest function which a statesman could exercise, was to govern wisely and well the vast colonial empire we now possessed; but he did not take the same view as his hon. and learned Friend of the condition of our colonial possessions, nor did he think they could justly be considered a source of humiliation and disgrace, or that the *status* of a colonist was one of degradation and inferiority. On the contrary, many of the colonies had risen, and, he trusted, would continue to rise, under wise and liberal government, into a condition of prosperity that would hand down with honour our name and language to future ages; and many now emigrated to our colonies, who, by birth and education, and the services they rendered, commanded the respect of all who were interested in our colonial empire. His hon. and learned Friend alluded to our colonies in North America, South Africa, New Zealand, and Australia; and he (Mr. Hawes) was glad to find that on many great principles of colonial government, much controverted of late, he and his hon. and learned Friend entirely agreed. His hon. and learned Friend did not propose to alter the colonial administration of the empire, though he proposed, undoubtedly, hereafter to limit its functions by the introduction of a more perfect system of self government. His hon. and learned Friend also proposed to maintain the general legislative power of the Crown over the colonial legislatures. His hon. and learned Friend also distinctly proposed, in opposition to some views which he had heard recently propounded, to maintain, and even to multiply, our colonial possessions. To that his hon. and learned Friend added an important proposition not however new—that wherever a large colony existed, it should be divided into provinces, and governed by a federal legislature. His hon. and learned Friend also proposed to maintain a civil list, to include a permanent provision for the governors and judges of our colonies; and in these general views of colonial government his hon. and learned Friend's propositions were in harmony with what already existed, and only with one single exception did his hon. and learned Friend propose to introduce a new rule and new principle, to which he proposed to call the attention of the House. He entirely agreed with his hon. and learned Friend that the object of all Colonial Ministers ought to be to facilitate the formation of new settlements, so far as legislation could do so; and that when a colony was in a condition to receive it, there should be introduced the largest measure of self-government. For this purpose his hon. and learned Friend proposed to introduce a Bill which should enable any persons on application to the Secretary of State, and who was imperatively to be called upon to act upon that application, to form a settlement in any spot which they should select.

Mr. ROEBUCK explained that a discretion was to be left to the Secretary of State to determine whether or not a colony should be formed; but when he had determined that a colony should be formed, and the boundaries were defined, then the rest of the circumstances, to which his hon. Friend alluded, might come into action.

Mr. HAWES: But if the settlers were left to select the spot, and the Secretary of State was left to decide whether there should be a settlement or not, might not the same difficulty and the same alleged obstruction to colonisation arise which now existed. Then the land was to be surveyed—a work of time and great expense; and before that could be done, he believed that in many cases the combination of set-

tlers supposed, would be at an end. And how were the expenses of the survey and of the immediate government of the settlement to be met? His hon. Friend had given no explanation on this head, and it appeared to be overlooked. These were practical objections. But when he considered that the plan was to be applied to our North American colonies at once, he said it was involved in almost insuperable difficulty. In Prince Edward's Island there were but a few thousand acres of land to be disposed of. In Nova Scotia there was none. In New Brunswick the whole of the land was entrusted to the local legislature; and it would be a breach of faith for that House, without the consent of that legislature, to interfere with that arrangement. In Canada, also, the land, by the consent of the British Legislature and the Crown, was entirely under the control of the Canadian legislature. His hon. and learned Friend contended that the American States had increased in population in a more rapid proportion than Canada; and at the head of his book was a map distinguishing the different portions of North America belonging to the United States and to England; and he stated, that on the former there was a population of 25,000,000, whilst on the latter, of nearly as large extent, there were but 2,000,000. But his hon. and learned Friend ran up the boundaries of Canada to the North Pole, where human life could not exist: the comparative extent, merely of the two countries, furnished no just grounds of comparison of the population in each. His hon. and learned Friend, however, was wrong in supposing that the population of Canada had gone on slowly as compared with that of America. In 1796, the population of the United States, as stated by his hon. and learned Friend himself, was 3,000,000: at the same time, the population of our own provinces, again on his hon. and learned Friend's own showing, was 200,000. The present population of the United States was about 23,000,000, being an increase of only eightfold; whilst that of Canada was 2,000,000, or an increase of tenfold. He would say, also, that, regarding Canada by any of those tests by which they could measure the prosperity of a colony, there was an increase of wealth and of population which ought rather to elicit approbation, than that strong and indiscriminate condemnation of the English Government in Canada which he so frequently heard. His hon. and learned Friend seemed to think his system would work well in Canada. He said at once and distinctly that there was no authority for that opinion. He had no reason to believe that any such system would give any such satisfaction as his hon. and learned Friend supposed. Let them remember that it would involve the repeal of the Act of Union. It involved also a direct breach of faith with the Canadian legislature, for the whole territorial possessions there of the Crown had been transferred to the Canadian Assembly, and yet his hon. and learned Friend proposed to give liberty to persons to form settlements, and ultimately provinces, within the territory of Canada.

MR. ROEBUCK explained that he proposed that the boundaries of Upper and Lower Canada should be accurately defined, and that settlements might be made beyond them.

MR. HAWES: But at present Canada claimed the whole of this vast territory. And what district lay beyond? The Hudson's Bay Company's territory, or Rupert's Land. Did his hon. Friend propose to colonise this dreary territory? Why, the southernmost point of that great tract of land, the Red River settlement, had a mean temperature no higher than that of Iceland. Was it likely that any persons would go to those barren tracts, where, for half a year, their labour would be arrested by the rigour of the climate, and all occupation at an end, when they had far more tempting lands to go to? Again, as to the Hudson's Bay territory, there existed a charter of government; but he found no provision made by his hon. and learned Friend for the adjustment of the claims which must arise were his plan adopted. Then, as regarded New Zealand, his hon. and learned Friend had entirely left out of consideration the title of the natives, though the power of forming settlements there could only be obtained by a full acknowledgment of native rights. Those rights had of late been recognised with judgment and discretion; and there was reason to hope that the difficulties of the land question, so for the sake of brevity to describe it, were now nearly brought to a close. The necessity for preliminary negotiation with the natives, who possessed a right to land in any portion of our colonial territorities, was however left out of view in the scheme proposed by his hon. and learned Friend. He would now turn to the Cape.

Here they had again a large and powerful native race to deal with; and if the plan proposed were at once to be adopted at Natal, for example, they would most assuredly bring that colony into collision with the powerful tribes around it. Indeed, he should be glad to know how the scheme for forming colonies into provinces under a federal union could be at all carried out at the Cape, without the full and free consent of the colonists and their legislature. Then with regard to New South Wales; here there was an independent and elected legislature, and which was, therefore, to be taken as representing the wants and wishes of the colonists. But were they to deal with the lands of that colony without any previous consultation with them? Why, first it would involve the repeal of the Waste Lands Act, as, in the case of Canada, it would involve the repeal of the Canadian Union Act. He must say, that, looking at the whole plan of the hon. and learned Gentleman, it would be one offering no advantage over the system now in operation. Suppose, for example, that it was resolved under this scheme to form a settlement, and that a point was chosen on the north or western part of New South Wales, on the east and west of South Australia, how long would it be before that settlement was made? Two or three years at the least must elapse before the preliminaries could be settled. The devise of site, the survey, the divisions and subdivisions, and maps, would all have to be completed, before the actual work of colonisation was begun, even if that time were sufficient. Now, in the case of Otago, in New Zealand, where a settlement had been projected under the present system, and where the Government had done all they could to advance the object, the settlement had been at once effected, and it was fast becoming a most successful colony. He believed that in our colonies, where the representative system had been introduced, there was as much self-government as was consistent with their being subordinate to any superior authority; but he could not understand the grounds upon which his hon. Friend assumed that the mere subdivision of a colony into provinces, and creating a federal union, would in any way alter the condition of the colonists, add to their prosperity, or insure more contentment or satisfaction than the existing system of government by their own legislatures. A sound system of local self-government was the admitted foundation of colonial progress and prosperity. And in New Zealand, to which reference had been made, it was undoubtedly the intention of Government to carry into effect a system of local self-government. With regard to Australia it was his intention before the holidays to give notice of a Bill for the better government of those colonies. The plan proposed was ready to be laid on the table of the House. The intention was to unite all these different colonies, leaving them separate for the purposes of their own local government, and to unite them by means of a general assembly or federal legislature, for the purpose of legislation upon all questions effecting their general interests. He had carefully considered the plan of the hon. and learned Gentleman in the book he had put forth, and which he now held in his hand, and he must tell him that his objections to his Bill were wholly of a practical character, and such as could not be overcome by any alteration of the details of the Bill. The objection was to the principle of the Bill, and strengthened by its impracticability. Supposing the scheme to be realised, it would be in the power of individuals to extend and multiply settlements at their own will. But he was disposed to think that England had colonies and possessions enough, and that it would be wise to people, and improve, and concentrate capital in those we possessed, rather than unnecessarily to multiply them; especially on the principles laid down by his hon. and learned Friend. And as no provision was made for the expense of the first formation of settlements in this plan, it would be necessary to draw upon imperial resources. Unless, indeed, in the early stage of colonial settlements, considerable assistance was rendered, they rarely succeeded. In the case of South Australia, this country had advanced 250,000*l.* for its assistance. Since that time the colony had progressively increased in prosperity and wealth. It was an ill-founded though popular assertion that our colonies had not progressed in freedom, intelligence, and prosperity. The income of New Zealand would soon rise to a point that would bear its whole expenditure. South Australia now wanted nothing from us, and neither did Port Phillip, which in one respect was formed very much on the American principle. It was part of New South Wales, and indeed still was so, though a separation from the older colony

was decided upon by the colonists themselves, when its trade, population, and prospective resources gave it a claim to a separate government. Like an American State, it arose from an increasing population gradually settling within the district. Its claim to a separate government was entertained and conceded as willingly in the colony as at home. The Bill to which he had referred, would confer a constitution upon it. Our system, therefore, was expansive—and our policy was to confer upon English colonists English laws, privileges, and freedom. It had slumbered, but was now awakened. Indeed, the most remarkable advance had been made in the general prosperity of all our colonies during the last ten or twenty years. As intelligence increased, he anticipated still greater prosperity; and it was an undoubted fact that it was chiefly owing to those great and liberal measures, such as the abolition of slavery, and the establishment of free trade, carried out by this country, that we had been brought into collision with any of the colonies. He believed, however, that by the increase of intelligence, and the gradual extension of local self-government, our colonies would be found increasing more than ever in all that constituted the wealth and prosperity of States. He would conclude by stating that he should give a simple negative to the introduction of the Bill, while he concurred in all that had been said by his hon. and learned Friend as to the propriety and necessity of this country ruling her colonial empire in a wise and generous spirit. Nothing could confer greater honour on this country than to see its institutions, its language, and its customs prevailing among her numerous colonies; and he had the most thorough conviction, that by a wise and judicious policy our colonies would long continue to be at once a source of honour, and in no small degree a source of strength, to the British empire.

MR. C. ANSTEY said, that a more complete, though at the same time, no doubt, a more unintentional misrepresentation he had never heard than that which his hon. Friend who had just sat down had given of the measure of the hon. and learned Member for Sheffield. His hon. Friend's reasons for objecting to the Motion of the hon. and learned Gentleman were three. First, that it could not be adopted without an interference with the independence of the Canadian legislature; but, surely, until the Bill was on the table of the House, it was not right to object to what would form a mere matter of detail. The second objection of his hon. Friend was, that there remained native races in New Zealand, who had rights which the provisions of the hon. and learned Member's Bill would come in contact with. But this, too, was an objection with regard to details, more fitted for consideration in Committee on the Bill, than on a Motion for asking leave to introduce it. The third, and he believed the real, objection of his hon. Friend to the measure was, that the Colonial Office had prepared a Bill of their own, which they intended to lay on the table of the House. He would not stop to inquire whether this Bill had been thought of before the hon. and learned Member's book made its appearance, or before the hon. and learned Gentleman gave notice of his present Motion. The only important bearing which distinguished the two measures appeared, however, to be this, that the Bill of the hon. and learned Gentleman went to devise a grand and comprehensive plan for all the colonies, while the Bill of the Colonial Office was confined to the Australian colonies. His hon. Friend had certainly used the term Australian and not Australasian colonies; and it was therefore doubtful whether the Bill was intended to include all the British colonies in the southern ocean or not. The great source of the evils of colonial government appeared to be in the mismanagement of the land fund; and if the Bill of the hon. and learned Gentleman were adopted, such aberrations of Colonial-Office morality would be in future guarded against, and a serious opposition to the measure in certain quarters might well be looked for. During the three years that had elapsed since the accession of the present Government, neither Earl Grey nor his hon. Friend the Under Secretary for the Colonies, had taken one step to carry into effect their much vaunted Amendments; and yet they now complained of the hon. and learned Member for even asking to have his Bill printed, as a species of interference with their privileges. After having neglected all the opportunities which offered for improvement, and after having driven the colonies in the east and in the west and in the south into discontent, and even into open rebellion, the Colonial Office now objected when the hon. and learned Member came forward and asked the House merely to give him an opportunity of laying on the table a Bill which he believed would provide a remedy for the evils that all admitted to ex-

ist. As soon as the measure was brought forward, the Colonial Office came before them to say that they thought it insufficient, impolitic, or all events uncalled for; and they expected that the House—which had such reason, he would not say to doubt them, but to find them guilty of all the mischief against which the Motion was levelled—should, on their bare assurance, shut their eyes on all the acts of which the Colonial Office had been guilty, and wait until, in the fulness of time, the very men whose misconduct had led to all their embarrasments should find a way out of them. The House was in possession of the two cases, and should decide between them. For his own part, he would reserve the consideration of any objections that might lie against the details until they got into Committee, and against the principle of the Bill until the second reading. He felt that, under all the circumstances, he should be wanting in his duty to the colonies as well as to his constituents, if he did not give his hearty vote to the hon. and learned Member for Sheffield.

Mr. M'GREGOR was delighted that the old pernicious system of protection was to be abandoned in regard to the West India islands, believing, as he did, that they would be more prosperous without than with that fallacious prop to industry. He did not agree with the plan of the hon. and learned Member for Sheffield, as far as it would apply to Canada. He considered that it would be most unwise and unjust to interfere with the power of self-government which had been given to that and the lower provinces of British America; in all which, for some time at least, their prosperity had been as great as the circumstances of civil liberty, religious freedom, and fair natural advantages would probably admit of, while they continued to be cramped by navigation laws, commercial restrictions, and the fallacy of protective duties. In his opinion, if anything had tended to prevent the progress of New Brunswick, it had been the protection to the timber trade, which had drawn the minds of the people from the cultivation of the soil. Nova Scotia, with a much worse climate, and far inferior natural advantages than New Brunswick, was in a much more satisfactory state. Our North American colonies now possessed all the advantage of responsible government, together with perfect free trade with the united kingdom, and with all countries where the navigation laws were repealed. He believed they would then be in a far better position than they could possibly be under any other system. With regard to Canada and its annexation to the United States, he did not believe that any desire for such annexation existed in that great colony. The Canadians must know very well that if they were annexed to the United States, all their customs revenues, which now were devoted to the purpose of the province, would go to Washington, and they would sink from their present position of an independent country — for they were independent in everything but their allegiance to the British Crown—into a mere State, subject to the central American power. He thought the late disturbances in Montreal were fairly traceable to the old question of party in Canada; but he did not apprehend any very serious breaches of the peace to continue, nor any very disastrous results. He believed the party connected with those riots consisted of a very small minority in the colony, and that when those riots had passed away, matters would settle down tranquilly. Since the year 1830, so far as the North American colonies were concerned, the inhabitants had very little ground of complaint, except at two periods—the periods when Lord Stanley acted as Colonial Secretary, and who, with the best intentions, did some very foolish things. He was of opinion that any Government that undertook any great scheme of emigration would inflict injury on the colonies, by casting on their shores too many to be suddenly provided for, and unprepared for the difficulties incident to new countries; and he considered that schemes of the kind should be left to private enterprise. The most that Government ought to do would be to afford emigrants cheap and ready facility in procuring land, and preventing fraudulent conduct on the part of emigration agents at British and Irish seaports, and the crowding of emigrant ships with passengers; who being generally all fed in the dirty holds of crazy vessels, become the victims of typhus, or carried their calamity, together with their poverty, among our colonists.

Mr. NEWDEGATE said, that when the state of the colonies under the government of Lord Stanley was compared with their state under that of Earl Grey, the former noble Lord would have no reason to fear the comparison; but he wished to allude to the able speech of the hon. and learned Member for Sheffield, who cer-

tainly had not attended to his own advice of proceeding by degrees. A commercial revolution having been effected, the hon. and learned Gentleman now proposed a political revolution; he wished our colonial government to be modelled in imitation of the United States, wanting, however, their federal qualities and their system of protection. In every department of their political existence he would regulate them from their birth by one code; and he would burden them with the expense of a governor, unsupported by an army — a mere emblem of the connexion with this country. It was, he thought, ominous when the hon. and learned Gentleman hailed the explosion of the doctrine of "ships, colonies, and commerce;" he was afraid that it foreshadowed the separation of the colonies from this country, and the loss of her commerce. He (Mr. Newdegate) could not agree with the hon. and learned Member for Youghal, recommending the separation of the two provinces of Upper and Lower Canada, for he believed that that separation would be only the forerunner of the separation of both provinces from the mother country.

MR. WYLD congratulated the hon. and learned Member for Sheffield on having had the principle of his measure recognised and sanctioned by the Government; for, although the Under Secretary for the Colonies had felt it his duty to oppose the introduction of the hon. and learned Member's Bill, yet the measure which the hon. Under Secretary had announced it to be his intention to bring forward in the course of the present Session, was an acknowledgment of the principle advocated by the hon. and learned Gentleman. If ever there had been a scheme propounded for the benefit of the colonies, it was that which had been so ably opened before them by the hon. and learned Gentleman to-night; and it was peculiarly fortunate that the position of our colonies, more especially Canada, possessed singular facilities for carrying out that scheme.

MR. AGLIONBY, who rose amidst cries of "Divide! divide!" was surprised that on a debate upon a question of such importance, so much impatience should be exhibited in the House by hon. Members whom he could point out who had only just come in for the first time that evening. The speech of the hon. and learned Member for Sheffield was most comprehensive. The plan was most comprehensive, and he (Mr. Aglionby) should wish to see the Bill and judge of its provisions before he gave his opinion upon its practicability. He was sorry that the colony of New Zealand was to be excluded from the Bill about to be introduced by the Government for the improvement of the government of the colonies. The measure proposed by the hon. and learned Member for Sheffield would include all the colonies, and therefore he was the more anxious to see that Bill. As to the colony of New Zealand, the prudence, energy, and caution with which the present Governor, Sir G. Grey, had acted, had caused the land question to be brought very nearly to a complete and satisfactory adjustment, and so far matters were going on well. But the settlers were memorialising the Government for the grant of free institutions, and he called upon Her Majesty's Government either to bring in a Bill to confer free institutions upon them, or to send out instructions to the Governor that he should endeavour to meet the wishes of the colonists. He begged to refer to a petition which he had presented last week from the largest and most influential meeting of shareholders in the New Zealand Company he had ever seen, and to a resolution which they had adopted, in which they set forth that in their opinion the best security for the colony against arbitrary government would be the grant of a charter, such as over and over again had been promised to the colonists, and given to other English settlements.

LORD J. RUSSELL: Sir, I should have risen to address the House before, had it been as full as it is at present, when my hon. Friend the Under Secretary for the Colonies addressed it. But I do think it necessary, in the present state of the House, to state shortly what I think are conclusive objections against the Motion of the hon. and learned Gentleman the Member for Sheffield. I give him every credit for ability in the speech which he has made, and for the large and comprehensive outline which he gave of what he considered should be the system of government in the colonies. But when I come from that view to consider his actual proposal, and that it is by a Bill his statement is succeeded—that it is by an Act of Parliament he thinks we should lay down certain fixed rules, by which we are to govern all the colonies of this country, and dispose of forty or fifty settlements of various races, in various parts of the world, under one certain system—I own I cannot but

feel appalled at the magnitude of his scheme. The first objection stated, and most truly stated, by my hon. Friend is, that with regard to certain of the colonies you would be actually interfering with rights which they already possess by Act of Parliament, and which rights they are not ready nor willing to surrender. The hon. and learned Gentleman talks about the mischievous meddling of the Colonial Office. That is a sort of cant phrase which parties often use without knowing exactly what meaning is attached to the words; and, therefore, I am sorry to hear the hon. and learned Gentleman, precise and correct as he is in general, repeat an expression which other hon. Gentlemen use without attaching any meaning to it. But if the Colonial Office, which is, in other words, Her Majesty's Secretary of State, should write a despatch to the governor of a colony, giving instructions to a governor, that meddling at least admitted of correction. The governor or the legislative assembly, as it may be, remonstrate against the objectionable order, and another despatch may set right the error, if error it be. And so, with some little discontent it may be, or with some remonstrance, the grievance, whatever it be, is removed, and the wishes of the colonists are gratified. But if Parliament wish to intermeddle and lay down fixed rules for the government of the colonies, and the colonists find these rules interfere with their just rights, only consider the mischief that may ensue from bringing forward these Acts of Parliament. In 1839 the Crown renounced to the United Provinces of Upper and Lower Canada the right of dealing with the hereditary revenues of the colonies. They were placed, during the lifetime of Her Majesty, at the disposal of the Government of Canada. Now, the hon. and learned Gentleman proposes to abrogate, destroy, and abolish the rights of the Canadians, and to introduce certain other rights of his own. Why, the discontent that would arise on finding their rights interfered with, would be exceedingly vehement and indignant. The hon. and learned Gentleman proposes other divisions of Canada than those that now exist. He does not know that the Canadians would agree to those propositions, or that the other British North American colonies would be willing to be united with Canada. His suggestion of this new arrangement and union is not a new one. It was considered before, but the time was not believed to have come when the scheme, even if it were a wise one, would be carried into effect. It excited the attention of the Earl of Durham, who mentioned it to me, and I inquired of persons connected with the government of the province, and found that the prevailing opinion amongst men whom I thought best acquainted with the subject was, that the fiscal difficulties were so great that there could not be a legislative union between Canada, Nova Scotia, and New Brunswick. If that be so at the present time, only consider the mischief you would produce by laying down by Act of Parliament that a union should take place, whether Nova Scotia or New Brunswick liked it, or whether it were utterly offensive to them—whether they thought even that it would destroy their self-government. The hon. and learned Gentleman seems surprised when my hon. Friend and myself tell him that it is not on behalf of the Colonial Office merely we on the present occasion object to this Bill, but that it is on behalf of the colonies themselves we say that an act like this should not be legislated upon without at least consulting the colonists. You would be depriving them of rights which they have been confirmed in by Acts of Parliament; rights which Parliament has acknowledged, and all this without the least consultation with them, or any attempt being made to obtain their opinions. There are many other questions with regard to other colonies, which my hon. Friend went into, and which I do not think it necessary to go into again. But supposing the plan was good for the North American colonies, it does not follow that you could carry out the same rule in Australia or Africa. The hon. and learned Gentleman was hardly well founded in his history with regard to New Zealand. He said the Colonial Office, not choosing that there should be an English settlement in New Zealand, a number of English settlers arranged together certain rules for their government, embarked, and made the voyage to that island, where they called into effect those rules which they had formed. Now, my recollection is, that the Secretary of State who preceded me, having determined that New Zealand should be governed as a British settlement, if the consent of the natives could be obtained, a considerable number of settlers emigrated from the Thames, and made rules by which they determined to dispense both civil and criminal justice in the settlement. But when I saw such rules, I saw that

they could not enforce them. The law of this country and the supremacy of the Crown could not permit them to put such rules in operation. The company consulted the present Lord Chief Justice Wilde, and his opinion agreed with mine. They threw their rules into the fire, and made themselves subject to the laws of England, and the Queen of England, and not to the legislation and jurisdiction which they had previously framed. Part of the support which this proposed Bill has received, has been from the hon. Member for Cockermouth; and he says that he approves of it because it lays down certain rules applicable to all the colonies. But how does he support that with regard to the colony with which he is connected, and with the condition of which he is better acquainted than any hon. Gentleman in the House—New Zealand? He says that the land question—the question which has given rise to such disputes between the company, the settlers, and the natives, has been nearly arranged by the skill and ability of the present Governor, who has brought it very nearly to a successful termination, and he has every hope that in a short time that very difficult question will be finally adjusted in a manner agreeable to every party. Why, if this be the case, does it not show the House that it is better to treat every one of the colonies according to the mode most suitable to each? You have in Canada the representatives of the people disposing of the land according to their rules. In New Zealand you have the Governor arranging between the parties who have claims. Those two modes are perfectly satisfactory to the colonists in each case. But then comes the hon. and learned Gentleman the Member for Sheffield, and says there is no uniformity in those cases. "You have colonies, and because the word 'colonies' applies to all, I shall apply fixed rules to all, and by Act of Parliament I will dispose of all." Why, is not that a plan, that instead of making a settlement, will make a fresh distribution? And it will be many years before you can undo the mischief. Now, with regard to the introduction of the Bill, if it were a matter of indifference or of domestic concern, or near home, I could be more easily induced to listen to those hon. Gentlemen who urge the introduction of it in order to judge of its provisions. The hon. Member for Cockermouth says that as he has not read the hon. and learned Gentleman's book, he would like to see his Bill. But this is not a subject which you can treat in this way; it is not a subject which you ought to tamper with. If the Government or the Colonial Office, or my noble Friend Earl Grey, or any of the present Members of the Cabinet, are unfit to deal with the question, then change your Government, or have an Act of Parliament, and place your colonial government in the hands of this House. But if it is not so, then let each particular measure, as of old, be the subject of inquiry in this House; and, if defective, let them be censured in the House. And if that be the better mode of government, do not let the hon. and learned Gentleman introduce his Bill; for if you allow it to be even introduced, you will lead the colonists to think that you are about to adopt its provisions. They will think that you are about to effect some great changes in their mode of government. Their minds will be unsettled, and for that reason I shall oppose the introduction of the measure.

MR. GLADSTONE said, that at an early period of the Session he voted with the Government against the appointment of a Committee on the affairs of the colonies, because his belief was that such a measure, if adopted, would not have been of any practical advantage; but, on the present occasion, he felt it to be his duty to give a vote in opposition to the noble Lord. The noble Lord had said, that if this had been a matter of indifference, or one that related to our own domestic affairs, he would not have felt indisposed to permit the Bill to be laid upon the table, reserving to himself the opportunity of forming a definitive judgment of its merits when he had become acquainted with its details. He (Mr. Gladstone) confessed he was inclined to invert the doctrine of the noble Lord. He fully agreed that when a Bill was of a nature to which it was clear that Parliament ought under no circumstances to accede, it was a sound rule at once to refuse leave to introduce the Bill; but with respect to the positive objections which the noble Lord had made to the Bill of the hon. and learned Gentleman, he thought they were not sufficient to justify the House in rejecting it, at all events in the present stage. The noble Lord had stated that the hon. and learned Gentleman proposed to interfere in various respects with privileges guaranteed by Act of Parliament to the colonies. He hardly thought the noble Lord correctly understood the

hon. and learned Gentleman when he imputed to him such an intention. [Mr. ROEBUCK: Hear, hear!] But, at all events, it was quite certain that, if the Bill made its way to a Committee, there was not the slightest fear that it would pass into a law in such a form as would interfere with any privileges which the colonies possessed at this moment. As respected the principle of uniformity, he (Mr. Gladstone) agreed that it would be most unwise to attempt to apply uniform rules and maxims to colonies under such infinitely varied circumstances as the colonies owing subjection to the Crown of England; but he understood the hon. and learned Gentleman to begin his speech by admitting that there were many exceptions to the application of the principle he proposed to lay down; and when the House saw the Bill in print, they could then consider whether they ought to enlarge the list of exceptions, and it would be their own fault, and not that of the hon. and learned Gentleman, if they applied it to any of the colonies except where it was found to be really applicable. The noble Lord had objected to the introduction of the Bill on the ground that it would disturb the minds of the colonists, by leading them to imagine they intended, as a matter of course, to pass it. He (Mr. Gladstone) did not know whether he was bolder than other men; he had thought he was not nearly so bold as the noble Lord, but certainly he was not apprehensive of any such results. Thinking as he did, therefore, that there was not sufficient force in the objections of the noble Lord, he would now go on to state the positive reasons which induced him to give a deliberate vote for the introduction of the Bill. He begged it to be distinctly understood that in giving that vote it implied no accordance whatever in the censures which the hon. and learned Member had cast, either upon the Colonial Department generally, or upon the Minister who at present held the seals of that department. He conceived that the question before the House was altogether apart from and above the merits of any particular Minister. The hon. and learned Gentleman had addressed his mind with the advantages of great ability, and great knowledge and experience, to the consideration of a most difficult and most important public question—a public question with respect to which there was a general, and, he thought, a just feeling in the country, that our present colonial policy was susceptible of great improvement. He was far from saying that the fault lay either with the Colonial Minister or with the Colonial Department. He looked upon the fault as lying much deeper, and he did think that public opinion was merging more and more towards the conviction that there was much which required amendment in our colonial policy. That being the case, he felt greatly indebted to the hon. and learned Gentleman for having given his thoughts on the subject in a recent publication, and he felt inclined to enlarge the debt by encourging him to put his thoughts into the detailed and developed form which they would necessarily assume in a Bill. If he had thought the notions of the hon. and learned Gentleman chimerical or unsound, he would undoubtedly have opposed them in the first stage of their progress; but he confessed that, generally speaking, so far as he understood them, he thought the doctrines which had been stated by the hon. and learned Gentleman were sound and true doctrines, and that his views of our colonial relations were such as, if adopted in practice, would substantially conduce at once to the glory of England and the prosperity of the colonies. He thought it possible that the views of the hon. and learned Gentleman with regard to the establishment of a federal government might be found to be impracticable. Indeed it was probable they would be so, except they were introduced very slowly; but, as the views were in themselves good and sound, and offered a solution of a difficult practical problem, he desired to urge the hon. and learned Gentleman onward in his career, and to bring his plan before the House in such a shape as would enable them to form a definite judgment of its merits. With respect to the effect which it would produce on the colonies, he emphatically differed from the noble Lord. The noble Lord himself, on one occasion, introduced a Bill with reference to Canada at the termination of a Session, avowedly with the intention of not pressing it during that Session, but that it might go out to Canada and be discussed there in the interval between that and the ensuing Session. He (Mr. Gladstone) thought that a similar course might be adopted with advantage on the present occasion, for he did not imagine that the hon. and learned Gentleman was sanguine enough to hope to pass any measure on the subject during the present Session. It would be of great importance, therefore, to have it sent out to the different

colonies concerned, in order that they might have an opportunity of offering such suggestions as might materially assist them when they came to the practical consideration of it in the following Session.

MR. VERNON SMITH thought the reasons adduced by the noble Lord were conclusive as to the necessity of opposing the introduction of the Bill. The right hon. Gentleman the Member for the University of Oxford had stated, in opposition to the remark of the noble Lord, that if the measure had been small, he would have resisted it; but as it was large, he would vote for its introduction. He (Mr. V. Smith) must say that this was a very extraordinary announcement to proceed from one who had held the office of a Minister of the Crown. The right hon. Gentleman asserted, moreover, that the effect of allowing the Bill to lie on the table, so far from being prejudicial, would be favourable. He (Mr. V. Smith) was surprised to hear such an opinion. Did not the right hon. Gentleman know the jealousy which existed among the colonists as to every kind of legislation which had a bearing upon their concerns; and was it not contemplated by the Bill sought to be introduced, to compel certain federal arrangements to be carried out? Had the right hon. Gentleman held the office of Colonial Secretary, and had he consented to the introduction of such a Bill, he (Mr. V. Smith) would have said that he had adopted a course altogether unworthy of him. He congratulated the House upon the absence of abuse of the Colonial Office which had marked this discussion of colonial matters, and which, he thought, was calculated rather to retard than to advance their progress towards useful colonial reform. He thanked the hon. and learned Gentleman for having brought forward this Motion; and, although he agreed with his noble Friend as to the views he had stated respecting the bringing in of the proposed Bill at the present time, he was glad that the subject had been introduced, as public attention would be drawn towards it, both in this country and in the colonies.

MR. HAWES rose to say one word in explanation. The right hon. Gentleman the Member for the University of Oxford had come late to the House that evening, and had not heard his (Mr. Hawes's) noble Friend. He, however, seemed to assume it as the principle of Government to oppose the federal principle. Now he (Mr. Hawes) stated distinctly it was a part of the scheme he intended to introduce, and that the Bill he should bring in to-morrow contemplated the form of federal government for the Australian colonies.

MR. ADDERLEY said, that the tone generally taken by the House in colonial debates, and on the absence of which they had been congratulated by the right hon. Gentleman the Member for Northampton arose from the fact that the Colonial Office had always set itself in opposition to any plan of improvement. There was a feeling all over the country that great changes must take place in our present system; but whenever any one ventured to make them, they were met with the single reply. "Oh, Lord Grey is a very good Minister;" but that answer was not at all satisfactory. The measure proposed by the hon. and learned Gentleman appeared to be regarded as compulsory; but, as he (Mr. Adderley) understood it, the Bill was for the advantage of those colonies which chose to apply to the Colonial Secretary; and that any application of it would only be by the consent of the colonies themselves. The evil which the hon. and learned Gentleman sought to remedy was universally complained of—the uncertain condition of our colonies at this moment. The average duration of a Colonial Minister's stay in office seemed to be about triennial, so that it was a chance whether he could carry out any scheme he might have prepared. The evils of the system were especially felt now, as operating as a check upon emigration. He could not say that he thought the whole, or even the more essential part, of the scheme of the hon. and learned Gentleman as likely to be successful. In the first place, where did the plan come from? From the United States. There was a large party in the House who were, he thought, rather too apt just now to borrow plans from America; but if he took hints from that quarter at all, he would rather take them from their earlier than their present system. At the same time, if the proposal of the hon. and learned Gentleman was not exactly what was wanted, still it tended in the right direction; and he (Mr. Adderley) hoped the introduction of it at least would be allowed, in order that the House might see the manner in which the views of the hon. and learned Gentleman were intended to be carried out.

MR. ROEBUCK, in reply, said, he thought that the noble Lord and the hon.

Under Secretary for the Colonies had hardly dealt fairly with him. In the first place, he was pretty sure they did not understand his plan; they had misconceived it. He said that because they had misstated it; for he was sure they would not have mis-stated it if they had conceived it. The noble Lord had stated that he (Mr. Roebuck) proposed a plan by which he was about, by Act of Parliament, to invade rights already established by Act of Parliament. That was a great mistake on the part of the noble Lord. What he proposed to do was, not to take from existing rights, but to put them into a lucid order, to consign them to Parliament, and, by these means, obtain a general rule for their future conduct. He thought there was no necessity to tamper with the rights that did exist; no proposal of his would tamper with existing rights in any manner. Therefore the noble Lord did him an injustice in stating these things, and not allowing him to do what he intended. The noble Lord had, in times past, not tampered with existing rights, but utterly and completely abolished them. He had heard the noble Lord propound a Bill to do away entirely with the constitution of Lower Canada. He did away with the constitution of Upper Canada. He united the two Canadas. He (Mr. Roebuck) did not propose anything of the sort, and no single right would be invaded by his proposal in Canada, in any portion of North America, or, in fact, in any of our colonies. When it was supposed he applied a general rule for a not homogeneous colony, he was entirely mistaken. He conceived that the colonies were entirely identical. You were dealing with English going from England to form settlements in a wild country; they took with them the habits and feelings of their own country, and all that he asked for was to give them some determinate rule, when they left this country, so as to enable them to conduct themselves in the country which they adopted as their own. He did not propose to be able to propound so large and comprehensive a plan at once. He was willing to leave the matter in the hands of the House; they must decide. We all knew what a condition our colonies were in; he had no hopes of a general rule being propounded. We had been colonising since 1606, and we were now only beginning to do the same thing. His hon. Friend the Under Secretary for the Colonies had been guilty of making great mistakes in the last proceedings of the Colonial Office as to the colonisation of Vancouver's Island. He must solemnly protest against one statement, that England had possessions enough. England had not more than enough. What he said was, that England could not make upon this vast globe too many habitations; and if out of her bosom there might come thousands, whilst only one man should be instrumental in the enlargement of her liberal race, in the spread of her liberal institutions, of her language and literature—who should multiply the English over the face of the globe—that man would not only deserve well of his country but of his kind. He had that pride in his countrymen which led him to think that they could not be introduced too often to other countries, and could not make too many happy communities.

The House divided :—Ayes 73; Noes 116 : Majority 43.

List of the AYES.

Acland, Sir T. D.	Hornby, J.
Adair, H. E.	Johnstone, Sir J.
Adderley, C. B.	Jones, Capt.
Aglionby, H. A.	Ker, R.
Alcock, T.	Kershaw, J.
Anstey, T. C.	King, hon. P. J. L.
Bailey, J. Jun.	Lindsay, hon. Col.
Bankes, G.	Mangles, R. D.
Barrington, Visct.	Marshall, J. G.
Bennet, P.	Miles, P. W. S.
Bentinck, Lord H.	Milner, W. M. E.
Berkeley, hon. G. F.	Moffatt, G.
Brisco, M.	Molesworth, Sir W.
Broadley, H.	Monsell, W.
Bruce, Lord E.	Mundy, W.
Burrell, Sir C. M.	O'Flaherty, A.
Campbell, hon. W. F.	Palmer, R.
Chichester, Lord J. L.	Pechell, Capt.
Clifford, H. M.	Pigot, Sir R.
Clive, H. B.	Pilkington, J.
Codrington, Sir W.	Portal, M.
Crawford, W. S.	Scott, hon. F.
Douglas, Sir C. E.	Scully, F.
Duke, Sir J.	Sibthorp, Col.
Duncan, G.	Sidney, Ald.
Egerton, W. T.	Smyth, J. G.
Fagan, W.	Stafford, A.
Fox, W. J.	Sutton, J. H. M.
Gladstone, rt. hn. W. E.	Taylor, T. E.
Gore, W. R. O.	Tollemache, J.
Greene, J.	Tyrell, Sir J. T.
Henry, A.	Vane, Lord H.
Hervey, Lord A.	Williams, J.
Heyworth, L.	Willyams, H.
Hildyard, T. B. T.	Wood, W. P.
Hodges, T. L.	TELLERS.
Hope, Sir J.	Roebuck, J. A.
Hope, A.	Wyld, J.

List of the NOES.

Abdy, T. N.	Bagshaw, J.
Armstrong, R. B.	Baines, M. T.
Arundel and Surrey, Earl of	Baldock, E. H.
	Baring, rt. hn. Sir F. T.

Bellew, R. M.
Berkeley, hon. Capt.
Berkeley, C. L. G.
Bernal, R.
Birch, Sir T. B.
Blackall, S. W.
Bouverie, hon. E. P.
Boyle, hon. Col.
Brooke, Sir A. B.
Brotherton, J.
Burke, Sir T. J.
Buxton, Sir E. N.
Caulfeild, J. M.
Chaplin, W. J.
Childers, J. W.
Cholmeley, Sir M.
Coles, H. B.
Colvile, C. R.
Corbally, M. E.
Cowper, hon. W. F.
Craig, W. G.
Crowder, R. B.
Dalrymple, Capt.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, J. E.
Devereux, J. T.
D'Eyncourt, rt. hn. C. T.
Dundas, Adm.
Dunne, F. P.
Elliot, hon. J. E.
Evans, W.
Filmer, Sir E.
Fordyce, A. D.
Freestun, Col.
Frewen, C. H.
Glyn, G. C.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Earl
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Heathcote, G. J.
Henley, J. W.
Hobhouse, rt. hn. Sir. J.
Hollond, R.
Hood, Sir A.
Howard, Lord E.
Howard, P. H.
Jervis, Sir J.
Jolliffe, Sir W. G. H.
Keppel, hon. G. T.
Kildare, Marq. of
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lewis, G. C.
Littleton, hon. E. R.
M'Gregor, J.
Magan, W. H.
Mahon, Visct.
Maitland, T.
Martin, S.
Masterman, J.
Matheson, A.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Moody, C. A.
Morris, D.
Mulgrave, Earl of
Newdegate, C. N.
Norreys, Lord
Norreys, Sir D. J.
Paget, Lord C.
Palmer, R.
Palmerston, Visct.
Parker, J.
Patten, J. W.
Power, Dr.
Power, N.
Price, Sir R.
Pryse, P.
Pusey, P.
Raphael, A.
Rawdon, Col.
Reynolds, J.
Ricardo, O.
Rich, H.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Rutherfurd, A.
Seymour, Lord
Shelburne, Earl of
Smith, rt. hon. R. V.
Somerville, rt. hn. Sir W.
Talbot, C. R. M.
Thicknesse, R. A.
Thompson, Col.
Townley, R. G.
Townshend, Capt.
Tynte, Col.
Willcox, B. M.
Wilson, J.
Wilson, M.
Wood, rt. hon. Sir C.

TELLERS.

Tufnell, H.
Hill, Lord M.

EXCLUSION OF STRANGERS.

COLONEL THOMPSON observed, that he thought the House owed it to itself to inquire whether its reputation was not involved in the maintenance of a rule by which strangers could be excluded on the Motion of a single Member. He was utterly at a loss for any reason which could be assigned for keeping up this regulation, and should be glad if any hon. Member, with greater Parliamentary experience than himself, would point out any case in which the abrogation of the rule could lead to inconvenience. He trusted that the House would come to some decision which would be found useful hereafter. For his own part, he felt strongly the importance of the House so keeping up its reputation with the country, that in everything its deliberations should deserve to be designated as the "wisdom of Parliament."

Motion made, and Question put—

"That this House will take into its consideration the rule or practice whereby Strangers have been excluded on the Motion of any single Member, with a view to alter the same; so that a Motion for the exclusion of Strangers shall be made and seconded, and Question thereupon be put, as is the practice with other Motions."

MR. W. FAGAN seconded the Motion.

SIR G. GREY: The question which the hon. and gallant Gentleman had brought before the House was one of very considerable importance, and such as ought not to be briefly discussed at that hour of the night (near twelve o'clock). He was not at all prepared to say, that the time might not come when some of the rules of the House (and this among others) ought to be reconsidered and revised; but he certainly thought that the best way of doing that would be to make a full and deliberate inquiry—first, by a Special Committee, whose duty it should be to consider what alterations were desirable. If the House thought that any change should take place, he thought that such would be the most prudent and judicious course. He hoped that his hon. and gallant Friend would not press his Motion, and that, at all events, if the matter was to be taken up, due notice would be given of bringing the matter on at an early period of the evening, so that there might be a larger attendance of Members than at the present moment, and that they might deliberately discuss the propriety of a rule of a very long standing which might not be any longer necessary, but which ought not to be hastily departed from.

LORD H. VANE understood that his hon. and gallant Friend was willing to accede to the suggestion of the right hon. Gentleman that this proposition should be referred to the consideration of a Committee, sitting under the immediate sanction of the right hon. Gentleman. [SIR G. GREY: No, no.] His hon. and gallant Friend had shown the existence of a substantial grievance, and as he had brought forward a measure to remedy it, it was only fair that the proposition should be referred to the examination of a Committee.

MR. AGLIONBY should be sorry to see

this question referred to a Committee, because it might then be put off for an indefinite period. What prevented the House from deciding upon the Motion at once? Was it reasonable that a single Member should have it in his power, by merely mentioning that he noticed strangers in the House, to exclude, not only the occupants of the strangers' gallery, but of that other (the reporters') gallery, which was the most valuable part of the House—for without their assistance the public would be ignorant of the proceedings of the House? He believed that they (the reporters) gave most fair representations of what took place in the House; and considering the circumstances in which they were placed, the difficulty of hearing, and the rapidity with which many Members spoke—considering, too, the unconnected way in which many speeches in that House were delivered, it appeared to him to be almost a miracle that their proceedings were so accurately reported. The hon. and gallant Gentleman did not propose, by way of remedying the evil to which he had alluded, to take out of the hands of the House any power which might be useful in cases of emergency. All he proposed was, that no single Member should have it in his power to order every stranger out of the House any moment he pleased. Surely it was but fair that a Member, desiring to exclude strangers, should propose a Motion for exclusion, and have it seconded and put to the House. He thought there was no necessity for referring this matter to a Committee, or postponing its discussion in the House to some future occasion; let the sense of the House be taken upon it at once.

Motion negatived.

LANDLORD AND TENANT BILL.

Order of the Day for third reading, read.

MR. PUSEY moved the Third Reading of the Landlord and Tenant Bill.

COLONEL SIBTHORP moved as an Amendment that it be read a third time on that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day six months."

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 74; Noes 15: Majority 59.

List of the AYES.

Acland, Sir T. D.	Jolliffe, Sir W. G. H.
Armstrong, R. B.	Ker, R.
Arundel and Surrey, Earl of	Kildare, Marq. of
	King, hon. P. J. L.
Baines, M. T.	Lawless, hon. C.
Baldock, E. H.	Lewis, G. C.
Barrington, Visct.	Magan, W. H.
Bass, M. T.	Maitland, T.
Bellew, R. M.	Matheson, Col.
Bennet, P.	Monsell, W.
Blackall, S. W.	Moody, C. A.
Brooke, Sir A. B.	Newdegate, C. N.
Brotherton, J.	Norreys, Sir D. J.
Childers, J. W.	O'Flaherty, A.
Clive, H. B.	Palmer, R.
Coles, H. B.	Palmer, R.
Colvile, C. R.	Patten, J. W.
Crawford, W. S.	Pilkington, J.
Denison, J. E.	Price, Sir R.
Egerton, W. T.	Raphael, A.
Evans, W.	Ricardo, O.
Freestun. Col.	Romilly, Sir J.
Frewen, C. H.	Rutherfurd, A.
Gore, W. O.	Scully, F.
Greene, J.	Seymour, Lord
Grey, rt. hon. Sir G.	Smith, rt. hon. R. V.
Hallyburton, Lrd. J. F. G.	Somerville, rt. hn. Sir W.
Hamilton, J. H.	Stafford, A.
Hawes, B.	Taylor, T. E.
Hayter, rt. hon. W. G.	Thicknesse, R. A.
Henley, J. W.	Thompson, Col.
Herbert, rt. hon. S.	Tollemache, J.
Hildyard, T. B. T.	Tufnell, H.
Hodges, T. L.	Willyams, H.
Hollond, R.	Wilson, J.
Hood, Sir A.	Wilson, M.
Hope, Sir J.	TELLERS.
Howard, P. H.	Bouverie, hon. E. P.
Johnstone, Sir J.	Pusey, P.

List of the NOES.

Aglionby, H. A.	Milner, W. M. E.
Broadley, H.	Morgan, O.
Burrell, Sir C. M.	Mostyn, hon. E. M. L.
Craig, W. G.	Scott, hon. F.
D'Eyncourt, rt. hon. C. T.	Talbot, C. R. M.
Hornby, J.	Vane, Lord H.
Howard, Sir R.	TELLERS.
Jervis, Sir J.	Gwyn, H.
Miles, P. W. S.	Sibthorp, Col.

Main Question put, and agreed to.

Bill read 3°, and passed.

The House adjourned at a quarter before One o'clock.

HOUSE OF LORDS,

Friday, May 25, 1849.

MINUTES.] PUBLIC BILLS.—1ª Landlord and Tenant; Grand Jury Cess (Ireland).

2ª Protection of Women.

3ª Sewers Acts Amendment.

PETITIONS PRESENTED. From Derby, for the Repeal of the Malt Tax.—By Earls Nelson, St. Germans, Carlisle, Cawdor, the Archbishop of Canterbury, and the Bishops of Lichfield, Salisbury, Norwich, and Oxford, from Monmouthshire, Leicestershire, and several other Counties, for the Adoption of Measures for the Suppression of Seduction and Prostitution.—By the Earl of Carlisle, from

the City of York, in favour of the Freemen's Lands Bill.—From Cantley and Sedbergh, against the Granting of any New Licenses to Beer Shops.—From Dublin and Westmeath, for the Adoption of Measures for the Protection and Relief of Clergymen seceding from the Established Church.—From Liverpool and Balcombe, for the Adoption of Measures for preventing the Sale of Tithes.—From Menai Bridge, for Extending the Jurisdiction of County Courts.—By Lord Redesdale, from Bromford and Abingdon, that Boards of Guardians may be Empowered to grant Superannuation Allowances to Poor Law Officers.—By Lord Monteagle, from the Society of Friends in Ireland, for the Abolition of the Punishment of Death.—By the Earl of Eglinton, from Ayr, against the Repeal of the Navigation Laws.

M. MANZONI—EXCURSION TO PARIS.

LORD BROUGHAM wished to call the attention of their Lordships to a matter of privilege which he could not entirely pass over, although it was of but little importance. There had appeared in a very respectable paper of that morning an invitation to fight a duel: it was of the most ridiculous description, but as it referred to himself and to other noble Lords, "his companions," and to what had been said in that House, wherein they were all Noblemen and Gentlemen, it was clearly a breach of privilege. The letter was signed "Giacomo Manzoni." Now, of that letter M. Manzoni had no knowledge whatever, and was astonished to see such a fabrication in a public print with his name attached to it; and he had immediately written to him (Lord Brougham) to express his astonishment and sorrow at the fraud. It was imprudent in any journal to publish such a letter; and he had no doubt that it was owing to some inadvertence that it appeared in the respectable journal in which it was published. It was clearly a breach of privilege; for it contained a challenge to fight a duel for words spoken by himself in that assembly. He did not imagine that it was published from any ill design or from any disrespect towards himself, or towards the House. He thought it only fair to the House and to M. Manzoni that he should make this statement. M. Manzoni had only seen it at 10 o'clock that morning, and had immediately, upon seeing it, called at his (Lord Brougham's) house, and sent him a written communication that the letter was a forgery. As he was then upon his legs, he would also allude to the second expedition of our countrymen who were going upon a visit to Paris. These expeditions or visits were now becoming a serious nuisance. It was much to be lamented that 200 or 300 Englishmen were going to enter Paris during a period in which that metropolis would be in a state of the greatest excitement; for very great indeed would be the excitement at Paris on Monday next, the day fixed for the installation of the new Legislative Assembly of France. He admitted that he had no right to object to the presence of numbers of our countrymen in that great capital; for, if they conducted themselves peaceably and quietly, nothing could be more desirable; but what he had a right to expect was this—that there should be no impression given in any quarter that they were anything but private travellers, and that they were going to Paris in any other capacity. As it had been put forth that that magnificent building the Hotel de Ville, which had been opened to our countrymen on their last visit by the kindness and courtesy of the magistrate who presided over the prefecture of the Seine, would again be opened to them, he trusted that there would be no disappointment if it were not. Furthermore, he hoped and trusted that, for the sake of peace between the two countries, all intercourse by public bodies between them would in future cease, and that the only communication between them would be carried on by the two Governments. It would follow therefrom that no further countenance whatever from any quarter connected with the English Government should be given to these visitors of France from England.

Some petitions unconnected with this subject having been presented,

The MARQUESS of BREADALBANE entered his protest against the notion that the noble and learned Lord had expressed the sentiments of their Lordships on this interchange of visits between the two countries. Our countrymen had a right to go in any numbers they pleased to visit the French metropolis, and nobody had a right to interfere with them, whether they went singly or in bodies, provided they conducted themselves in an orderly and peaceable manner, as they had done upon their late visit. Such an interference as the noble and learned Lord appeared to contemplate, was contrary to the laws and constitution of these realms. As to the way in which the French Government might receive them on their arrival at Paris, that was a matter with which we had nothing to do.

LORD BROUGHAM had heard a great deal lately respecting the bad construction of the House for hearing; but when he found that Her Majesty's Lord Chamberlain, who stood within the House, was so

ignorant of what was passing within it, he could not wonder that other persons, who were further off and not within it, should be equally ignorant of it. He appealed to every one of their Lordships present, except the Lord Chamberlain, whether he had said a single syllable which could be construed into a declaration that he objected in any one way to Her Majesty's subjects going upon a visit to France, in case they conducted themselves peaceably and decorously. On the contrary, he had stated expressly that they had a right to go over, and he had never called upon the French Government not to show them courtesy and haspitality, if it so thought fit. If the French Treasury were so flush of money, as it appeared to be from the recent measures of the National Assembly in repealing taxes to the amount of 100,000,000 francs, and if the French Government were disposed again to give our countrymen dinners, fêtes, fireworks, and dances in the *Jardin d'Hiver*, he should only be the better pleased. Indeed, he should be more pleased the more our countrymen were fêted and hospitably treated on the other side of the Channel. He concluded by denying every word which had been imputed to him by the Lord Chamberlain, in consequence of the inconvenient structure of the House for hearing.

The MARQUESS of BREADALBANE was extremely glad to hear the explanation of the noble and learned Lord.

LORD BROUGHAM: Explanation! I positively and peremptorily deny that I used any words requiring explanation.

LORD REDESDALE observed, that as this subject had been renewed after it was thought to be dropped, he must say that in his opinion these visits ought to be discouraged. There was a great difference between the two deputations which had mutually visited France and England. The deputation of the National Guard of Paris had come over in uniform, and as soldiers —for soldiers they really were. There were times when the appearance of French soldiers in uniform in the streets of London might be attended with great inconvenience. For instance, if that deputation which came over in full uniform to London in the course of last summer had come over in the March preceding it, they might have been the occasion of disturbance, and that disturbance might have produced disastrous effects. He was convinced that danger must ensue from these visits, if they were continued to the same extent with that in which they were commenced.

PROTECTION OF WOMEN BILL.

Order of the Day for the Second Reading read.

The BISHOP of OXFORD said, that, in rising to move the second reading of this Bill, he trusted that he need not enter at any length into the details of the painful subject which rendered the measure necessary. He was prepared, if need should be, with a detailed statement to make out this case—that there was a great practical evil in existence, which required to be remedied by the Legislature. If he might assume that point for granted, there was no necessity for his entering into details. Such details, in his opinion, had better be avoided in discussions; but if the attainment of the object which he had in view could only be secured by entering into details, then no false delicacy should prevent him from entering into them If, however, the great necessity were admitted, he would not pain the ears of their Lordships by the details of cases which would indisputably establish such a conclusion; unless, therefore, he was compelled to use them in reply, he should abstain from alluding to them in any respect. He had received that day, from his noble and learned Friend the Lord Chief Justice of the Queen's Bench, a letter, in which his Lordship had authorised him to state that he did not intend to oppose this Bill. That was a peculiar satisfaction to him; for last year his noble and learned Friend had conceived it to be his duty to oppose the Bill which he had then had the honour of introducing. His noble and learned Friend, however, had mentioned one alteration, which was the only alteration which he thought desirable in the Bill; he, therefore, understood that his noble and learned Friend would not oppose it if that alteration were made. That alteration, then, he was ready to introduce by inserting in the first clause the provision contained in the second. He did not anticipate that after that alteration any objection would be made to his Bill. The Bill now brought forward proposed to deal with a class of cases which it was difficult to bring within the scope of legislation, and which the common law of England appeared to be unable to reach. Even in the grossest cases, where innocence and youth had been abused by direct fraud, the present law

was insufficient for the purpose of reaching the offence. Such a state of things rendered some extension of the law necessary to meet the worst cases. Some faint objections might remain to any legislation upon this subject; but he hoped that their Lordships would pay no attention to such murmurs. They must recollect that it was impossible to frame any legal enactment to which objection could not be taken by acute and subtle men. But if the only objection made to this measure was the suggestion of some hypothetical inconvenience, all legislation must come to a close if such an objection were to be held valid against the removal of great abuses. Without entering into further observations on the subject, he would now move the second reading of the Bill.

LORD BROUGHAM was understood to concur in the suggestion made by the Lord Chief Justice, but doubted whether the Bill would produce any great practical effect in preventing the evils against which it which it was directed; but said he would not offer any opposition to it.

Lord CAMPBELL expressed his approval of the objects of the Bill, but said that the right rev. Mover had not done sufficient justice to the common law of England upon the subject. This was not a case in which the common law was incapable of reaching the offender. Attempts to amend this part of the law had been repeatedly made since the days of the Long Parliament. It had been proposed that the first offence of this description should be treated as a misdemeanour, the second as a felony, and the third as a capital offence, without benefit of clergy. But the severity of such a law on such a subject had defeated itself. Another attempt was now made, and this was, in his opinion, more objectionable than any of its predecessors. Instead of promoting the object of the Bill, the Bill was even calculated to render that innocuous which was now an offence under the common law. Besides, all cases in which illicit intercourse took place, and in which no false contrivance was used, were freed from punishment by this Bill. The Bill likewise enacted that no penalty should be inflicted on third parties except where their improper conduct arose from lucre of gain. There might be many of these abominable conspiracies without money passing. He (Lord Campbell) felt so strongly the evil sought to be prevented, that he would hope against all experience that something might be done to remove it, and would say with the Lord Chief Justice that he would not oppose the second reading of the Bill; but he could not allow it to pass that stage without stating that he thought the existing law had better be relied on.

The EARL of MOUNTCASHEL was understood to maintain that this Bill did not go far enough, and would be inadequate to meet the existing evil; and after it should pass, he and others who thought that evil ought to be repressed by law, must persevere in applying to the Legislature for an effective Act. The inadequacy of the existing law was frequently acknowledged by Judges upon the bench; he could mention cases where relatives of noble Lords had been sacrificed, and the highest families in the land were not safe. The Legislature ought to enact such laws as would afford to all Her Majesty's subjects that degree of protection to which they were entitled. The noble Earl concluded by reading a clause, which he had prepared, as more likely to answer the object in view, but which he did not at present intend to propose.

The BISHOP of OXFORD feared that the introduction of any such clause would be fatal to the Bill. With regard to the only objection made by the noble and learned Lord (Lord Campbell), he (the Bishop of Oxford) had already stated that he would propose so to alter the Bill in Committee as to obviate that difficulty, and leave the common law as at present, by omitting the second clause, which provided that no person should be punished for the offences mentioned in the first, "unless the same shall have been committed for the lucre of gain;" instead of that, he would introduce the words "for the lucre of gain" into the description of the offences in the first clause to be punishable with imprisonment under this Bill. With regard to conspiracy, to which the noble and learned Lord had alluded, the difficulty was to prove it; and the object of this Bill was to deal with the case where a conspiracy could not be proved. The attempt to legislate upon this subject had not failed in other countries; but it really was a reproach upon us, that in France, to which we were not used to go for the pattern of moral exactness, offences of this class were punished, which an English magistrate could not touch. However, this Bill dealt with the one specific crime committed where persons for gain lent themselves to the betrayal of women. At present such offences had to

be dealt with under the 9th of George IV., chap. 31; and that Act was held to apply, first, where, in consequence of fraud or falsehood, the girl, however young, went willingly from her parents' house, however ignorantly, and though she might suppose she was going in order to be hired into service; nor, secondly, where she was above sixteen; nor, thirdly, where her parent or lawful guardian consented to her going for any purpose, though lawful; nor, lastly, where the child was without parent, guardian, or lawful protector. It was but natural, perhaps, that one in the position of the noble and learned Lord should look with jealousy upon the attempt of a lay Lord to amend the law—it might seem to go against the craft; but here was really a crying evil to be repressed.

LORD CAMPBELL protested that he was as sincerely and earnestly desirous to meet the evil as the right rev. Prelate; the question was, how it was to be reached, and care must be taken not to aggravate it. The proposed alteration might remove his (Lord Campbell's) technical objection, but would not touch the principle upon which his opposition rested, namely, that if the parties between whom the illicit intercourse took place were to be considered, that case could not safely be met by legislation; and that if you included a third party employed to enable the sensual person to gratify his illicit propensities, the common law would already meet that case. It was not necessary in a charge of conspiracy to prove that the parties met in conclave and came to a formal agreement to solicit the chastity of a woman; the conspiracy was inferred from acts done, and if it were proved that a person at the desire of another undertook such an abominable task, an indictment for conspiracy would lie.

The BISHOP of OXFORD apprehended that there would be very great difficulty in sustaining the charge of conspiracy under the existing law, where a person making a livelihood by these practices, lent himself or herself with no particular engagement to one particular crime of this sort.

Bill read 2ª.

House adjourned to Monday the 4th of June next.

HOUSE OF COMMONS,

Friday, May 25, 1849.

MINUTES.] PETITIONS PRESENTED. By Lord Ashley, from Wigtown, against the Marriage (Scotland) Bill; and from St. Cuthbert Stella, County of Durham, against the Sunday Travelling on Railways Bill.—By Colonel Tynte, from Bridgwater, for Repeal of the Duty on Attorneys' Certificates.—By Sir J. Y. Buller, from the County of Devon, for Agricultural Relief.—By Mr. Reynolds, from Dublin, against a certain proposed Amendment of the Attachments, Courts of Record (Ireland), Bill; and from Ardee, for an Alteration of the Law respecting Spirits (Ireland).—By Mr. W. Lockhart, from Glasgow, against the Lunatics (Scotland) Bill.—By Mr. Ogle, from the Hexham Union, for a Superannuation Fund for Poor Law Officers.—By Sir R. Bulkeley, from the Guardians of the Anglesey Union, for an Alteration of the Poor Law Union Charges Act; and from Llangeinwen, County of Anglesey, for the formation of Treaties by which International Disputes may be referred to the Decision of Arbitrators.—By Mr. Pearson, from a Meeting held at the Literary and Scientific Institution of London, suggesting an improved System of Prison Discipline.—By Mr. O. Morgan, from Bassalleg, Monmouthshire, for the Punishment of the Promoters of Promiscuous Intercourse.—By Mr. Alexander Hastie, from Ministers of the United Presbyterian Church, against the Registering Births, &c. (Scotland) Bill.—By Mr. Pinney, from Weston-super-Mare, for an Alteration of the Sale of Beer Act.—By Lord John Chichester, from the Donegal Square Wesleyan Church Congregation, for the Suppression of the Slave Trade.—By Captain Pechell, from Brighton, for an Alteration of the Small Debts Act.

ARMY CLOTHING.

MR. LUSHINGTON wished to ask the right hon. Gentleman the Secretary at War whether he had any objection to express an opinion with regard to a petition presented to the House by a tradesman named Dowie, complaining that an unfavourable and erroneous construction had been placed by the Adjutant General on a report from the Clothing Board relative to the patent boot proposed by the petitioner for adoption in the Army? The petition had been referred to the Committee on the Army Estimates, but that Committee had discontinued its sittings during the present Session.

MR. FOX MAULE said, his authority was confined to the financial branch of the Army—that he had nothing whatever to do with the clothing, discipline, or command of the Army. The person alluded to had, it appeared, taken out a patent for a certain description of boot, which had been tried and approved of by some commanding officers and men. He then applied to have it made a "sealed pattern;" but the board of general officers refused to adopt it as the sealed pattern for the Army, though they stated that they saw no reason why soldiers should not be allowed to purchase these boots at their own private expense. That permission, he did not know why, had not been carried into effect, and he believed that it was of that which the petitioner complained.

Subject at an end.

THE WHITSUNTIDE RECESS—FINANCIAL STATEMENT.

LORD J. RUSSELL moved that the House, at its rising, do adjourn to Thursday next.

MR. HERRIES hoped that the Government would give some explanation as to the course which they intended to pursue after the adjournment with regard to the miscellaneous estimates.

The CHANCELLOR OF THE EXCHEQUER said, that the miscellaneous estimates would be in the hands of Members to-morrow morning. He had expected that they would have been delivered that day, but he was disappointed.

SIR J. GRAHAM said, that as the estimates were not in the hands of Members before the adjournment, it was not proper or reasonable that they should be pressed forward on the first day that the House again met.

LORD J. RUSSELL said, he had hoped that the miscellaneous estimates would have been in the hands of Members that day, and the Government had made their arrangements accordingly. It was well known that many of the miscellaneous estimates were the same from year to year, and where new votes were proposed, he would have no objection to allow them to stand over.

SIR J. GRAHAM said, that the civil contingencies had been printed that morning, and there could be no objection to going on with them on Thursday.

LORD J. RUSSELL said, he had proposed taking the civil contingencies on Friday.

MR. DISRAELI said, that the noble Lord made the budget contingent on the miscellaneous estimates, and as there was to be a delay in the latter, there would, he supposed, be a farther delay in the financial statement. He would be glad if the noble Lord could assure the House that the financial statement was not contingent on the miscellaneous estimates.

LORD J. RUSSELL said, he could not give such an assurance, because the budget would depend a good deal on the miscellaneous estimates. He thought it was more important that public Bills should be proceeded with in the early part of the Session, than the budget, because it was not desirable that the House of Lords should complain, as they had just reason of doing last year, of important Bills being sent up to them near the close of the Session.

MR. DISRAELI reminded the noble Lord that he had himself expressed an opinion last year that the financial statement ought not to be put off to a late period of the Session.

MR. CARDWELL said, he understood that the arrangement they were now about making was this, that they were not to have the budget until some time later than the middle of June, unless they made progress with the miscellaneous estimates immediately after the recess. Now, he understood the reason of that delay to be this, that until the Government knew what progress the House would make in the miscellaneous estimates, they would not feel themselves in a condition to make their financial statement. That implied a doubt as to the votes the House would agree to; and surely if there were ground for such doubts, it was right that the House should know what these estimates were to be before they were called upon to vote them. They had not, however, up to this moment, got the miscellaneous estimates, or even the usual abstract of them; and he hoped, therefore, that it would not be hereafter alleged that the House had imposed any delay in refusing to go into the miscellaneous estimates on first day after the recess.

MR. GLADSTONE said, it would be satisfactory if the House could know what was the connexion between the miscellaneous estimates and the budget. He thought there had been no year in which the budget had not been brought forward before any considerable progress had been made in the miscellaneous estimates.

LORD J. RUSSELL said, he always understood that there should be considerable progress made in the votes of supply before the financial statement of the year was made—that is, always supposing that there was no extraordinary circumstances which obliged the Government to bring forward the financial statement in the early part of the year. This year the miscellaneous estimates unfortunately formed a large item in the expenditure for the year.

Subject dropped.

FAMINE IN IRELAND.

MR. H. A. HERBERT said, that he wished to ask a question of the noble Lord at the head of the Government with regard to a horrible occurrence that was reported to have taken place in the western part of Ireland. It was stated that a corpse

having been washed on shore by the waves, a portion of it had been actually carried away and eaten by some of the starving people who lived on the coast of the bay. He wished to know if the Government had received any authentic information with regard to this frightful transaction?

Mr. POULETT SCROPE said, that before the noble Lord answered the question, he could not refrain from saying one word expressive of the strong conviction which pressed upon his mind with regard to the enormous responsibility which lay with that House, the Legislature, and, above all, with the Government, to prevent, as far as possible, the frightful destruction and waste of human life now going on in Ireland. The poor-law had been passed with the view of preventing such loss of life from taking place; but as at present administered it failed to do so. It was notorious to the world that at this moment hundreds were dying, and thousands were in daily expectation of death, in Ireland. The papers were filled with reports such as that to which the hon. Gentleman the Member for Kerry alluded. In one place twenty persons were found dead; in another, Westport, twenty-eight died in one week alone by famine. Mr. Ward, of Ballinrobe, stated that more than 700 families were wandering about the neighbourhood without a house to cover them, seeking shelter in the ditches at night, and dying there, and then buried without coffins, after being perhaps disfigured by rats and dogs. He would not harrow the House by going through the list of similar cases which he held in his hand; but he would ask, who was responsible for this frightful destruction of life, such as no country in the world professing to be civilised ever before exhibited, much less a country possessing the vast capital and wealth of this empire? Here people were enjoying themselves in luxury and plenty, spending night and day in amusement and recreation, while their fellow-subjects were thus perishing by wholesale of famine. But were not the people of England able and willing to provide at least the relief which the commissioners stated to be sufficient to maintain life in those wretched people—namely, three farthings a day per head, until next harvest? He believed that the Government would experience no want of sympathy in this country, and no want of willingness on the part of that House, to pass any measures that they might consider necessary. He begged to ask the noble Lord whether, seeing that the commissioners had in vain endeavoured to procure aid, and that the boards of guardians had no funds or means of procuring them, he did not think the responsibility attached to the Government to bring forward such measures as may be necessary to meet the existing destitution?

Lord J. RUSSELL said, in answer to the question of the hon. Member for the county of Kerry, that he had not received any official statement with regard to the horrible occurrence which that hon. Member had mentioned; nor had he any reason to know that the fact had actually taken place. He should, however, feel it his duty to make immediate inquiry into the matter. With regard to the observations of the hon. Member for Stroud, as to the degree of responsibility that attached to the Government for the melancholy events that were occurring in Ireland, he could only say, that the hon. Gentleman must be aware of what had passed in the House at the beginning of the Session, when the Government asked for 50,000*l.* for the relief of those who would otherwise have perished from destitution. The hon. Gentleman must likewise be aware of what had taken place with respect to the rate in aid. The sums which had been issued by the Government in anticipation of those rates was 30,000*l.* He (Lord J. Russell), therefore, thought Her Majesty's Government had done all that it was in their power to do. He did not think that any efforts that House could make, would, in the present unfortunate state of Ireland, be capable of preventing the dreadful scenes of suffering and of death that were now occurring in Ireland. He distinctly repeated that he did not believe it was in the power of that House to do so. Certainly, with the very strong objections that had been made even to those limited measures which the Government had proposed, he did not feel that he was justified in asking the House for an additional advance of 100,000*l.*, which at least would be necessary if the House should say that there should be no possible case of starvation in Ireland.

Mr. J. O'CONNELL was happy to hear from the noble Lord that inquiries were to be made to ascertain the truth or exaggeration of the statement in the papers as to what had occurred in the neighbourhood of Ballinrobe. He (Mr. J. O'Connell) confessed he was particularly anxious on the subject, because on a recent occasion, when

he had made a statement to the House, he had been accused of misrepresentation. What he stated was that 860 deaths had occurred in Ballinasloe, whereas he should have stated that 860 human beings were suffering under fever and cholera. But he implored the House not to suppose that the cholera was a mere ordinary visitation. It was introduced, aggravated, and extended by famine. He had received statements from the west of Ireland, representing that all the accounts hitherto known had fallen short of the reality, and that the scenes of misery and destitution were utterly inconceivable. The Poor Law Committee was at the present moment sitting, and he thought the attention of that Committee might be very properly directed, during the recess, should it then sit, to ascertain the facts. He would warn the Government against deluding themselves by the belief that everything had been done which the Government could do to prevent the loss of human life in Ireland. The truth was that the scale of relief was much too low—it did not save life; it merely prolonged the agony of the dying; it prolonged life in death. The scale of expenditure for the relief of the poor in the three kingdoms established the truth of this proposition. The rate per head for the support of a pauper in England (for a certain period) was 3*l.* 5*s.* 10*d.*, in Scotland for the same period it was 2*l.* 7*s.* 9½*d.*, and in Ireland for the same period it was only 16*s.* 8½*d.*

MR. MONSELL said, that the Poor Law Committee had that day been engaged in the examination of a witness from Westport, and certainly a more dreadful account was never given of human suffering in any civilised portion of the globe. He agreed with the noble Lord at the head of the Government, that it was utterly impossible, by any human means, to stay the march of destitution in Ireland. He was quite sure that whatever was done must be comparatively trifling; but still more might have been accomplished. From the returns it appeared that in the week ending the 28th of April, 1849, there were in the several workhouses of Connaught and Munster no less than 122,369 inmates, and that the deaths in the course of one week were not less than 1,703, giving nearly an average of fourteen in every 1,000; whereas in this great metropolis, where there was a population approaching to two millions and a half of souls, according to the statement made by the Poor Law Commissioners, in the very worst week of the year, that which ended on the 29th of January, 1849, the proportion of deaths was only five in a thousand. That and similar facts must show that death was proceeding in a more rapid ratio in Ireland than it had ever yet done, and that it was the bounden duty of the Government to prevent the dreadful loss of life which was taking place in that country by some greater efforts than had hitherto been attempted.

MR. HORSMAN could not help adverting to what he considered to be a misapprehension on the part of the noble Lord the First Minister of the Crown as to the disposition of the House on the subject of Irish distress. The noble Lord appeared to think that there would be an unwillingness on the part of the House to make any further advances for the relief of that distress; but he (Mr. Horsman) considered this to be a subject concerning which, for the sake of their own character, they ought at once to be clearly understood. When Government asked for the 50,000*l.* grant, it was evident that it was only the commencement of a series of similar demands. The right hon. Gentleman the Member for Ripon on that occasion agreed to the advance of the 50,000*l.*, but stated that he would not agree to any further advances—not because he objected to the advances themselves for the saving of life in Ireland, but because they stood in the way of other measures of a more comprehensive and permanent character. Well, the 50,000*l.* was voted, the House always saying that the first duty of the Government was to save life. Then came the Motion for the advance of 100,000*l.* on the security of the rate in aid. Many objected to that loan—he (Mr. Horsman) did among the number. He objected to the money being advanced by way of loan on a security which was not good, though he agreed that the Government ought to make a grant to Ireland for the preservation of life. It was notorious that there were thousands perishing in Ireland for the want of a few thousands of pounds, which the House ought to grant. Without wishing to create pain or excite irritation in any quarter, he must declare that, in his opinion, no such spectacle had ever been witnessed before in any portion of the civilised world as that which now existed in Ireland, where thousands upon thousands were being permitted to perish from sheer starvation for want of a very small additional advance beyond that which had already been given. The Poor Law Commissioners had said that the

whole responsibility was cast upon the Government. In nineteen of the distressed unions there was 160,000*l.* owing to the contractors for the supply of food; and, although money had been recently sent out by the Government, it was notorious that it was not sufficient. The three worst months of the year were yet to come. The money in the hands of the commissioners would not suffice; and he was sure that if the Government would appeal to Parliament the House would respond to that appeal by making a further grant, recognising, as it ever had done, the principle that the first duty of Government was the preservation of life, and, above all, that the horrible spectacle of thousands dying daily of sheer destitution ought not to be allowed.

COLONEL SIBTHORP did not wish to interrupt this discussion with respect to the lamentable question of Irish distress; but he should like to ask hon. Members who were conversant with the state of Ireland, how far they thought free-trade measures had been the cause of distress in that country? He could feel for Ireland, but he could also feel for England; and he had every reason to apprehend, if they proceeded as they had hitherto done with the free-trade policy, that England would by and by suffer as much as Ireland.

The CHANCELLOR OF THE EXCHEQUER did not think it expedient, on the present question, to enter upon a discussion on free trade. But he must say, that so far as Ireland was concerned, he was convinced that the free-trade principle had contributed very largely to the preservation of life in that country by cheapening the food which was imported. It had been said, that three halfpence or a penny a day would sustain life in that country. Let it be remembered that it was by the importation of Indian corn—the introduction of which was the result of free-trade measures—that life could be thus preserved in Ireland, and which could not otherwise have been done except at a very large additional expense. He wished, while bearing in mind what had fallen from the hon. Member for Cockermouth, to warn the House against being led into error by receiving as true the full extent of the statements that were sometimes made respecting the misery and destitution prevailing in Ireland. If he wanted an example to justify such a warning, he thought the statement made the other evening by the hon. Member for Limerick, would be a sufficient justification. A few nights ago that hon. Gentleman stated that no less than 860 deaths had taken place in the Ballinasloe union; but the hon. Gentleman had now corrected himself, and stated to-night, instead of 860 people having died in Ballinasloe union, there were 860 laid up with fever and cholera: that was to say, 860 people were sick, instead of 860 being dead, [Sir J. YOUNG: They were receiving relief.] The difference was very material, and he took the opportunity of warning Gentlemen not to believe all the statements that were made of the distress and misery in Ireland to their full extent. The hon. Member for Cockermouth had not fairly represented what fell from the right hon. Gentleman the Member for Ripon on the occasion of the grant of 50,000*l.* for the relief of destitution in Ireland. What the right hon. Gentleman said was, that he would vote for that sum as the last of a series of grants, in the hope that some other measures might be devised for the purpose of making the property of Ireland contribute its proper share towards the relief of the poverty of Ireland. It was an opinion which had been expressed by several Irish Members, that the property of Ireland should support the poverty of Ireland; and he believed it was the universal opinion of the House that it was unreasonable to expect any further grants should be made from the Treasury for the purposes of relief. Advances might indeed be made, but it was indispensable that they should look to Ireland for the repayment of them. A measure for that purpose was brought forward, and so far from any charge being made against him (the Chancellor of the Exchequer) of hardheartedness and cruelty, he was accused of making sentimental speeches and impassioned appeals to the sympathies of the House to induce them to relieve the distresses of Ireland. The opposition to granting relief came not from him, but from many of the Irish Members. Why, the hon. Member for Limerick himself voted against the imposition of the income tax and the rate in aid—both of which measures were intended to relieve the distress of the people in Ireland—and now he turned round and complained of the Government and of their hardhearted conduct towards that country. But a change had taken place in the opinions of men in respect to these measures since those debates. It had been said in that House, that it would be better to let the Irish people perish, than to dole out to them such insufficient relief as was then

proposed. [Mr. J. O'CONNELL denied having made any such observation.] He (the Chancellor of the Exchequer) did not say that the hon. Member had made any such remark; but it certainly was made by an hon. Member, and he (the Chancellor of the Exchequer) commented upon the expression at the time. If hon. Members from Ireland had during the discussion of the Rate in Aid Bill felt as they now professed to feel, the progress of that measure might have been much accelerated. The hon. Member for Cockermouth had said, that some further advances of a few thousand pounds might be made by the Government. Surely he must know that the Government were making those advances. But when his noble Friend at the head of the Government proposed some little time since to make occasional weekly advances, the House limited him down to a very small sum. And what was the fact? His noble Friend departed from that limited amount, and declared that he would go beyond the 5,000*l.* or 6,000*l.* which had been prescribed to him as the sum to be advanced. The Government had, in fact, made advances week by week, till no less a sum than 30,000*l.* had already been advanced before the Rate in Aid Bill received the Royal assent. He thought that, under these circumstances, it was not true, either that Parliament had withheld the means of relief, or that Government had not used those means; and, therefore, he was of opinion that it was not necessary at prevent, to make any further appeal to Parliament for the purpose of mitigating the distress which he was sorry to admit did prevail in the west of Ireland. It was true that the worst period for the people of Ireland was approaching; but the time was also coming when the Poor Law Commissioners would feel it their duty to enforce the payment of the rates due from the several unions. Government had already given directions that this should be done; and at the same time the House might depend upon it that Her Majesty's Ministers would not shrink from asking for power to make further advances on the credit of the rate in aid, when the necessity should arise for adopting that course.

MR. E. B. ROCHE said, it was of great importance there should be no mistake as to the real facts respecting the Ballinasloe workhouse case. His hon. Friend the Member for Limerick had inadvertently said that 860 had died in that workhouse in one week. That was certainly wrong; but what was the fact? 490 had died in one week, and it was stated upon authority, that the cholera and fever arose solely from utter destitution and starvation. Whatever had been done up to the present moment towards relieving distress in Ireland, had been an entire failure. His hon. Friend might make mistakes—Her Majesty's Ministers might take advantage of those mistakes, and the hon. Gentleman opposite, the Member for Cavan (the chairman of the Poor Law Committee), might try to represent the extent of the distress existing in Ireland to be much less than it really was; but the facts were too palpable to be gainsaid. It could not be denied that the Government had not done its duty. The opportunity was now open to the noble Lord to bring forward some of those comprehensive measures which had been suggested by the right hon. Baronet the Member for Tamworth.

SIR J. YOUNG denied having attempted to diminish the amount of evil that existed in Ireland, or to represent the distress prevailing in that country to be less than it really was. With respect to the Ballinasloe union, the fact was, that great distress existed there, and in order to meet that distress, fourteen or fifteen additional houses were taken to receive the paupers. The cholera and dysentery occurred in the union, and some of those auxiliary houses were converted into hospitals, where the people afflicted with cholera were taken, and in a few days after died—not for want of sufficient relief, but from the disease with which they were afflicted before they entered the workhouse. The hon. Member for Limerick, however, and others, were certainly guilty of exaggeration, and he believed that, in the cases mentioned, the mortality had chiefly arisen from cholera, and that no efforts on the part of the Government could have arrested it.

MR. E. B. ROCHE said, the hon. Gentleman had misunderstood him. He did not mean to imply anything against his conduct as chairman of the Poor Law Committee, for in fact he knew nothing about it. What he alluded to was, a remark which the hon. Gentleman had made, when the Chancellor of the Exchequer was speaking, to the effect, that 860 persons, instead of being dead, were receiving relief in the Ballinasloe workhouse.

MR. E. DENISON said, it was very easy to say that a few thousand pounds would relieve the distress in Ireland; it was easy to say that the responsibility of every death rested upon the shoulders of the Govern-

ment; but those were very unfair and unjust statements to make in that House. He believed the noble Lord at the head of the Government had undertaken what no individual or Government could execute—viz., to maintain the lives of all the distressed people in Ireland. It was utterly impossible that a whole people could be fed, except from the ground which they themselves occupied; it was hopeless to expect that the great mass of any population could be fed by extraneous assistance, and by food brought from a distance. He had long been anxious that an effort should be made to induce the ablebodied poor to cultivate the ground, so that food might be raised for them upon the spot where they lived; but he thought it was quite unjust to say that Government had been behind Parliament, or the people of this country, in the measures which they had taken with regard to Ireland. The hon. Gentleman the Member for Cockermouth had pointed to an individual Member of that House—a right hon. Gentleman opposite — as one great cause of the opposition to further grants in that House. He (Mr. Denison) believed that the House and the country, seeing what had been the effect of the enormous advances that had been made, seeing the comparatively small benefit which they had produced, were unwilling that any further grants should be given for the same purpose.

Mr. REYNOLDS did not blame the Government, but it could not be denied that thousands were dying daily, and that within twelve hours' journey of the metropolis of the British empire—a metropolis famed for its great wealth. He was bound to say that it was quite unnecessary for the hon. Gentleman the chairman of the Poor Law Committee to enter into any defence of himself, for he (Mr. Reynolds) had never found any man display more humanity than the hon. Gentleman in conducting an inquiry into such a painful subject. He (Mr. Reynolds) would wish to know if any instructions had been given to put an end to the frightful state of things at present existing. The total number of deaths in the Ballinasloe union had been 1,150. It appeared that the population of the town, which was a small one, was 4,000; and that 4,700 of the population of the union were in the workhouse. Since a statement he had made on a former night had been denied, he must be permitted to say that the guardians, whom he charged with the grossest inhumanity, passed a resolution by which they concentrated the whole of the diseased and famished poor within the walls of the workhouse. They said, in effect, to a destitute person, twenty miles from the house, "Now, you are afflicted with typhus, you shall obtain no relief except you go into the house at a distance of twenty miles," for the union contained an area of 250 square miles. He asked the representatives of the British people whether they were prepared to sit quietly on the benches of the House of Commons while these awful slaughters of the people of Ireland were taking place. If one life in England was lost in a similar manner, the whole press teemed with it, while in Ireland thousands were dying every week without any notice being taken of it. What had the Rev. Mr. Anderson, the minister of Ballinarobe, stated to the noble Lord at the head of the Government, in a letter he had written to him? He had stated that no language he could use could describe the misery that was existing in that union. He had heard a good deal in that House of comprehensive measures for Ireland — comprehensive measures for what, he would ask? Why, for skeletons who could not walk. It had been said, what had Ireland done for herself? He would answer that question by stating that she had paid two millions and a half in eighteen months for the relief of her destitute poor. In his opinion the first duty of the Government was to save the lives of the people, and he trusted that they would not allow the people of Ireland to say this, which in fact they were saying, that if you cannot govern Ireland, let Ireland govern herself.

Sir G. GREY wished to correct an error into which several hon. Members appeared to have fallen, with reference to the statement which he had made, upon the authority of the Earl of Clancarty, with respect to the mortality in the Ballinasloe workhouse. The noble Lord had not informed him that the mortality in that workhouse had, in the week succeeding that during which it amounted to 490, fallen to an average of six per day. What he said was, that the highest degree of mortality was attained during the period at which the cholera was raging; that it then amounted to 490 a week; but so far from having increased from that amount to 860, it had very materially diminished. He (Sir G. Grey) had only further to add, that when a disposition was shown to reproach the people of this country with being un-

willing to continue the system of grants from the public purse for the relief of Irish distress, it must be recollected how severe was the pressure of local taxation, occasioned by the relief afforded from the poor-rates to Irish paupers. He was in the daily receipt of communications from all parts of the country, complaining of the heavy burdens thrown upon unions, by the number of Irish who were receiving relief as casual paupers. To the sum, then, of 86,000*l.*, advanced since the 31st of January by the Imperial Treasury, must be added the great amount contributed for the relief of Irish necessities from the poor-rates, paid by the people of this country.

VISCOUNT CASTLEREAGH wished to know the ultimatum of Her Majesty's Government upon this point—whether they were determined that no further amount of money was to be granted—under any circumstances which might occur—from the imperial treasury for the relief of Irish distress? The people of Ireland had a right to have a definite answer to this question, in order that they might know exactly on what tenure the union between the two countries was to rest.

LORD J. RUSSELL: The noble Lord has heard other hon. Members ask whether I was prepared to say that no further grants would be asked for, for the relief of Irish distress. The hon. Gentleman who put that question to me did it with the view of protecting the public purse from any such grants; but on all the occasions on which I have been thus interrogated, I have uniformly refused to give any pledge whatever as to our intentions on the subject. Her Majesty's Government must act upon their own views of the circumstances occurring in Ireland.

COLONEL DUNNE explained: He had opposed the rate in aid because it would aggravate Irish distress.

MR. J. O'CONNELL again rose, and was met by loud cries of "Order!" and "Spoke!" He presumed that he would be perfectly in order if he moved the adjournment of the House.

MR. SPEAKER trusted that the hon. Gentleman would confine himself to the question of adjournment.

MR. J. O'CONNELL then proceeded to state that it was quite clear that there was no disposition on the part of the House to consider the question of Irish distress.

MR. SPOONER wished to know whether the hon. Member for Limerick had moved the adjournment of the House, with a view to the speedy discussion of Irish distress?

MR. J. O'CONNELL continued: The scale of relief administered in Ireland was too low—lower in fact than it was either in England or Scotland. The hon. Gentleman proceeded to charge the Government with a design of starving out the Irish people—a charge which he had already made, but which had never been answered.

MR. SPEAKER inquired who seconded the Motion of the hon. Gentleman? No one replied, and the subject and the Motion dropped together.

NAVY ESTIMATES.

The report of Committee of Supply (Navy Estimates) having been brought up and received, and the vote of 138,214*l.* for the Admiralty Office being proposed,

COLONEL SIBTHORP begged to call the attention of the House to the Motion of which he had given notice, for the reduction of salaries in the Admiralty Office. He proposed to try the free-trade system a little in the Government offices. There were no fewer than six Lords of the Admiralty, though there was but one Commander-in-Chief; and, though he felt the highest respect for those gallant officers, he thought there was truth in the saying, "too many cooks spoil the broth." He hoped, therefore, that without impairing the efficiency of the service, the number might be reduced by two. The First Lord of the Admiralty had 4,500*l.* a year; and he proposed at first to take off 500*l.* only, which, he thought, was very moderate and very handsome on his part. Then there were two Lords, one at 1,200*l.*, and the other at 1,000*l.* a year, whom he proposed to knock off altogether. There were also a secretary, a surveyor, an accountant general, a storekeeper, a comptroller, and a director general, at 1,000*l.* each; from all of whom he would take off 10 per cent, that would be 100*l.* each. There was also that most expensive of persons, a solicitor, who had 1,600*l.* a year, and to him he proposed to apply the same principle of reduction, and take off 150*l.* He would not interfere at all with the clerks, who were the working men, and generally very ill paid. He had promised his constituents to enforce economy, and he would redeem his pledge. He felt the greatest admiration of our naval service, and in the Motion which he now made his only object

was to save the pockets of the people. The hon. and gallant Member concluded by moving that, instead of the sum of 138,214*l.* for the expenses of the Admiralty, the vote should be for 132,753*l.*

Captain PECHELL concluded that the hon. and gallant Member was not serious in pressing such a Motion. He would, however, take advantage of it to make a few observations on a totally different subject, admitting, in the first place, that no department of the Government was so hardly worked and badly paid as the Admiralty. What he wished to call the attention of the Board and the House to, was the petition which had been presented by 331 of the 428 masters in the service, with respect to their rating and retirement—a most excellent body of men were placed in a most anomalous position. Nominally, the masters ranked with the lieutenants, but in reality they took rank after the junior lieutenants, and before the midshipmen. He really thought the Board should take some steps to place them in a better position, and to carry out the prayer of their petition. But he begged to call the attention of the Board to the regulations with respect to the retirement of lieutenants and commanders. A petition had been presented to the House by the former, stating that many had been removed from the list without receiving additional pay, and that the rest of the list was filled up by those who were called "commanders." It might be asked, from what fund adequate retirement for many of these excellent officers could be provided? He thought he could point out a source whence a large revenue was derivable. Their present system of freights was one which called loudly for change. Mexico complained that our ships were employed in smuggling specie, and had taken steps to prevent it, while the bondholders and others had undoubtedly been defrauded of their dividends in many instances. But what he complained of was, the sums paid as freightage to the admirals of the station and the captains of the ships. No less than 27,000*l.* had been paid in this way in two years, and in ten years he found it amounted to 1,344,705*l.* Here then was a fund which might at once be applied to the retirement of officers and the relief of their widows. He hoped the Board would direct their attention to making some changes in the regulations with respect to the pensions of officers' widows who married a second time.

Mr. B. COCHRANE said, he was desirous of asking the right hon. Gentleman at the head of the Admiralty, whether, in the face of events passing abroad, it was the intention of the Government to continue these reductions in the Navy? It was not his own opinion alone, but the opinion of the entire public press, and of all those who had turned their attention to forign affairs, that even if a general war were not inevitable, it was likely that the whole of the Continent would soon be involved in hostilities. He asked the Government whether they deemed this to be the proper moment for carrying out reductions, which he admitted at another time might be reasonable and just? In 1792, Mr. Pitt had built upon a fifteen years' peace, but it had been terminated in six months. Looking at the recent declaration of the Emperor of Russia, and the events which were passing around us, he asked the Government whether they did not think it was unwise and injudicious to continue a course of reductions which, should danger come upon us, would have to be made good at a double cost to the country?

Admiral DUNDAS said, that with respect to the remarks made by the hon. and gallant Gentleman the Member for Brighton on the relative ranks of lieutenants and masters, and as to the regulations respecting them, he could only reply, that it would be perfectly impossible to comply with the request which had been preferred. Lieutenants served five or six years before they got their promotion; masters, on the other hand, might be taken into the service almost immediately. It was perfectly useless to give masters the same rating as lieutenants. At the same time he must say, there was no more worthy or deserving class of officers in the service than the masters. Several of them had been appointed captains for distinguishing services, and he hoped would be so appointed in future. Captain Hall, for instance, had risen to the rank of post-captain entirely through his own merits. But no Board of Admiralty could place masters on a footing with lieutenants.

Sir F. T. BARING observed it was rather an invidious task to have to defend one's salary; but he had better explain to the House how the salaries of the Board of Admiralty had been fixed, and hoped he should satisfy them there was nothing peculiar in their case which entitled the hon. and gallant officer the Member for Lincoln to call for a reduction in

that department? In 1831, when there was great anxiety for economy, a Committee was appointed to revise all the salaries of the high officers of Government. On that occasion they went through all the salaries, and fixed the proper sum that each officer should receive. They cut off 500*l.* per annum from the First Lord of the Admiralty, and reduced his salary to 4,500*l.* The salaries of the four junior Lords were fixed at 1,000*l.* a year each, and after considerable inquiry it was further resolved that they should be allowed to receive half-pay in addition. The Secretary was not reduced, and the Under Secretary's income was fixed at its present amount. Last year, also, there was a Committee appointed to revise all the Admiralty Estimates; and though he would not say they had looked particularly into the question of salaries, there certainly did not appear to be an impression, on the part of any one, that those salaries were too high. If the House wished him to enter into the general question, he would do so. ["No, no!"] As to individual cases, he hoped they would relieve him from further discussion, and be satisfied with his showing that the sums had been amply inquired into. The officers of accounts, to whom the hon. and gallant Officer referred, were officials of the highest importance; they more than saved the salaries they received to the public by the check they were on waste and expenditure. By the abolition of the Controllership of the Navy, and the board attached to the office, a very large sum had been gained to the public. There only remained for him to notice the observations made by the hon. Member for Bridport with respect to the amount of reduction in the Navy. He could assure the hon. Member there was an impression abroad that the reduction was much more considerable than it really was. If he would consider the vote for 40,000 men this year, and advert to the amount of men voted in former years, he would find the present vote by no means inconsiderable. He thought the apprehensions of war alluded to by the hon. Member would turn out to be ill-founded. If, however, we should unfortunately be called upon for active exertion, he trusted the Navy would not be found less efficient than before, and he was sure there would be no shrinking on the part of Government to come down and ask for more money if they should think it necessary. The question of freights would not be lost sight of; but he thought it was one which would be better discussed on some future occasion.

MR. SPOONER said, though it had been just asserted there was no case for reduction, he thought it would not be very difficult to make out a case. His hon. and gallant Friend's course of proceeding had been objected to as too individual in character; but he really did not see how the salaries of the great officers could be attacked unless they were taken one by one. He believed the salaries were fixed on an understanding that they should be all proportionately reduced if reduction was decided upon. As the free-trade principle appeared to be now applied to every thing, he thought its application ought to be extended to the salaries of the officers in public departments. He was quite aware that no amount of reduction which could be made consistently with the efficiency of the service, would afford any great relief to the country—so he would not hold out any hope that advantage could be derived from such a source; but he would put the question in this form—what would be the moral effect on the country? Now, the people were being told that, owing to the changes of policy and circumstances, every one must look to lose a portion of his income; every income must come down, and every one must submit to reductions. When the trader was told that his profits and property were reduced by the effects of foreign competition, he naturally inquired why the fixed salaries of Government officers were not also to be reduced in proportion. Let them reflect what would be the effect on the people's mind if it became known that Government were allowed to inflict sacrifices on all classes, and yet that they refused to take any share in those sacrifices, or to consent to reduction. [Sir J. GRAHAM: Put their salaries on the corn-rent principle.] That was not a bad plan. If we were determined to go back to old times and old prices, we ought to reduce everything in the same proportion. He was for all practical reduction, and should therefore give his vote for making the reductions proposed by his hon. and gallant Friend.

CAPTAIN BERKELEY declared he would be quite happy to take the hon. Member for Warwickshire at his word with respect to the salaries of the Board. It so happened that while the salaries of every other department had been increased, those of that board were the same now as in 1770.

CAPTAIN BOLDERO would certainly except the Under Secretary from any decrease of salary. His duty was more severe than that of any other officer of Government, with the exception of the First Lord of the Admiralty, and the Secretary for the Home Department. [The CHANCELLOR of the EXCHEQUER: Mine are rather heavy.] Then perhaps he ought to add the Chancellor of the Exchequer. He had intimated to the First Lord of the Admiralty that it was his intention when the report was brought up to bring under the notice of the House the system of promotions. But, considering the short period during which the First Lord of the Admiralty had held that office, he should postpone his remarks on that subject; but he should avail himself of the opportunity to call attention to the position of the marines. The right hon. Gentleman had had ocular demonstration of the efficiency of that branch of the service, was prepared to do justice to it, and would be aware that whenever military operations had become necessary since the Peace, the marines had invariably been selected as part of the force. Such was the case when Sir C. Napier was sent to Syria; and the forces sent to Spain some years ago would have been defeated had it not been for the marines. The points to which he would direct attention were the age of the officers, the seniors having seen fifty-four years' service; the small share of honorary distinctions which fell to that branch of the service, there being no marines of the rank of K.C.B. or G.C.B., and while 100 naval officers held the rank of C.B., only six officers of marines had received that distinction; their exclusion from the benefits of military and naval asylums, no marine officer, he ventured to say, having been admitted either to Greenwich or Chelsea Hospital, or the perquisites of the Military Knights of Windsor. He left the matter in the hands of the First Lord of the Admiralty, confident that the right hon. Gentleman would not be indisposed to give a favourable consideration to the claims of a brave, honourable, and gallant corps.

COLONEL SIBTHORP thought it somewhat singular that when there were so many Gentlemen on the other side who were all for economy and retrenchment, not one of them was to be found in his place. He hoped the Motion would be a lesson to public officers in high stations, who ought to volunteer what he proposed. He would trust to their generosity; but, having done his duty by showing them up, he should not trouble the House by taking a division.

Motion withdrawn.

SIR H. WILLOUGHBY had intended to call attention to the vote for naval stores; but what he wished at present to know was whether any portion of the amount of 484,788*l.* from the sale of stores, carried to revenue in the accounts for the year ending March 31, 1849, arose from the sale of naval stores, and whether a detailed account of the items included under the head in question could be made out, so that some means might be taken to prevent the purchase of such a mass of stores merely for the purpose of selling them again?

SIR F. T. BARING was afraid the hon. Gentleman misunderstood the statement in the accounts. The item to which he referred included what had been received from the sale of stores of all kinds. There could be no objection to furnishing the details.

Second, third, fourth, and fifth Resolutions agreed to. Sixth Resolution postponed. Subsequent Resolutions agreed to. Postponed Resolution to be taken into further consideration upon Thursday next.

SUPPLY—ARMY ESTIMATES.

The House then went into Committee of Supply; Mr. Bernal in the chair.

The first vote proposed was, a sum not exceeding 1,855,588*l.*, for defraying the charge of Her Majesty's Land Forces in the United Kingdom and in Stations abroad, being part of a sum of 3,655,588*l.*, of which 1,800,000*l.* had already been granted on account.

MR. B. OSBORNE said, it was not very encouraging, in so thin a House, for any hon. Member to enter into the discussion of questions affecting the expenditure of the country, because it appeared that, whenever that which, more than anything else fell within the peculiar business and province of the House, had to come on for consideration, hon. Gentlemen, and even the financial reformers themselves, deserted their posts, and left but a beggarly account of empty benches for any diligent advocate of economy and retrenchment to address his remarks to. The financial reformers of that House seemed to have sunk down to the hon. and gallant Member for Lincoln, and the hon. Member for Warwickshire. He therefore did not propose at present to go into any lengthened de-

tails; but he must say he felt convinced, from the condition in which the Army was kept, and the enormous establishments chiefly connected with the civil department, that great reductions could easily be effected, and the Army maintained in increased efficiency, by being managed with greater simplicity. The British Army was classed under three different heads. First, there was the infantry and cavalry under the Horse Guards; then the ordnance corps, under a separate board; and, lastly, the commissariat, which was a separate branch, under the management of the Treasury. Now, he maintained that in no other country in the world was there such an arrangement of the three different branches of the Army under three separate heads. The management of the Horse Guards cost 94,199*l.*; that of the Ordnance, 91,136*l.*; and that of the Commissariat, which was said to be the cheapest managed of all, being under the Treasury, 316,000*l.* Now, if they were all placed under a Minister of War, having a seat in Parliament, as was the case in other countries, instead of being managed in the present cumbrous and costly manner, the country would gain considerably in point of economy and simplicity. This was not a new idea of his. In the year 1837, a Commission was appointed, of which Lord Howick (now Earl Grey), Lord J. Russell, Lord Palmerston, and Sir J. C. Hobhouse, were Members, which recommended that certain powers, now divided among several functionaries, should be vested in the Secretary at War, as Minister of War, and a Member of the Cabinet; that he should be the Minister by whom all matters relating to the military establishments should be laid before the King; and that the Ordnance department should be consolidated with the Horse Guards. However, from that day to this, and although they had a Committee sitting upstairs, no steps had yet been taken to carry out the report of the Commissioners. It was plain a very considerable saving in this manner might be made. Why not abolish the office of Master General of the Ordnance, by which they might save 9,000*l.* a year? The same might be said of the Secretary at War's office, upon which they might save 5,000*l.*; and by abolishing the office of Judge Advocate—whose excellent deputy, Mr. Rogers, did all the work, and had a salary of 800*l.*—2,500*l.* more might be saved. Then 36,836*l.* was the charge in this country for agency, although there was no agency required for the Indian army, and he could not therefore understand why it should be necessary for the troops at home. Altogether, he was persuaded about 56,000*l.* a year might be saved in these departments. He must also call attention to the great disproportion of generals to the number of men in our Army as compared with the armies of other countries. In 1783, about the time of the American war, we had 824 general and field officers; in 1799, about the time of the French war, the number was 1,863; and in the year 1848, at a time of peace, they were increased to 2,106. We had a staff and a number of officers greater than was required for the whole French army of 400,000, and which also supplied the national guard. We had 9 field-marshals, 58 generals, 67 lieutenant-generals, 174 major-generals; and yet the whole strength of our Army was only 138,000 men. Eight or ten thousand a year, too, might be saved by doing away with brevets. Were the House not so empty, he might pursue the question further; but he was sure he would be able to show a Committee that a material saving might be effected as regarded the staff of officers, and that a much better arrangement might be made with respect to the retired and half-pay list. Then, as regarded the clothing of the regiments, there could not be a worse system than leaving it in the hands of the colonels. He believed that if the Government took the clothing into its own hands, and adequately remunerated the colonels, as they did in the case of the artillery, giving them sufficient pay, instead of leaving them to eke it out by a profit on the clothing of their men, the men would be better clothed, greater satisfaction would be given, and a saving would be effected to the country of about 14,000*l.* a year. He found that, in the year 1847, the clothing of the French army, including the expense of tents and encampments in Algiers, was only about 464,000*l.* for 370,125 men; or an average of 1*l.* 13*s.* 2*d.* per head. Then again in Prussia, the average cost of clothing in the Prussian army was only 1*l.* 15*s.* 10*d.* per head; but in England, in the year 1847, the cost of clothing an Army of 132,199 men was 402,142*l.*, or more than 3*l.* per man. How it was that the French and the Prussians clothed their soldiers better and cheaper than we, who were considered to be the best manufacturers in the world, could do, he would leave it for the Manchester manufacturers themselves to say; but he hoped the noble Lord at the

head of the Government would use his influence with the Horse Guards to alter the whole system of clothing, which, besides its other evils, exposed the colonels to invidious remarks, which, as a class of men, he was sure they did not deserve. Instead of receiving their present allowance upon the clothing of their regiments, to make up their insufficient pay, why not give them a salary of 1,000*l.* a year, and save 35,000*l.* to the country? Then the proportion of officers to the number of men was excessive. There was one officer to every nineteen men in the Army. In the Horse Guards, there was one officer to eleven men, and one non-commissioned officer to every six of the men. The proportion of officers to men was much greater than in the armies of France or Prussia; and under this head of the subject a great reduction might be made in the Army by cutting off the second majors in the infantry—a class of officers that enjoyed as complete sinecures as that of the Judge Advocate himself in that House. He would reduce them all, and thereby save the country about 45,000*l.* a year. The cavalry force, exclusive of household cavalry, equalled twenty-two regiments. Five of them were under the East India Company; but the remaining seventeen ought to be condensed into twelve regiments, which would reduce the staff, and lead to economy. A saving could also be effected by filling up the places of assistants in the various offices of the different departments of the Army from the retired or half-pay list. A clerk in the Commander in Chief's office retired, after forty years' service, upon 700*l.* a year; whereas the retiring pay of a general was only 400*l.* a year. In these various methods, they might go on reducing item after item, until they effected an aggregate saving, he would venture to say, little short of half a million a year. Our whole colonial system must also be remodelled; and in this way alone could they reduce their estimates, that were so excessive.

Mr. FOX MAULE, having so fully entered into the whole subject of these estimates on a former occasion, did not consider it necessary to trouble the Committee with any further observations at present. He would, however, just say a few words in answer to the remarks of his hon. and gallant Friend who had last spoken. He (Mr. Fox Maule) could not agree with all that had fallen from his hon. and gallant Friend; but the whole subject was still under the consideration of the Committee upstairs, where he had no doubt every practicable and consistent measure of economy would meet with unanimous support. With regard to the question of agency in the Army, referred to by his hon. and gallant Friend, he (Mr. Fox Maule) was convinced that the Committee, when it came to consider that subject, would be unanimously agreed that nothing could be so economical to the country, or convenient to the men in the Army, as the system of agency which had just been attacked. As regarded the present system of clothing, he had no feeling to express further than what he had derived from the investigations of former Committees. The Committee of 1833, on this subject, after hearing the amplest evidence, came to the unanimous decision that in point of economy or of efficiency they were satisfied that a better system of clothing the Army than the system already existing, could not be adopted. But still he was perfectly sure that the Committee upstairs would give every attention to this question when it came again before them, and if it could be proved to them that a better and more economical system under the Government, the same as the clothing of the Ordnance, could be substituted, he was satisfied the Committee would be quite ready to adopt it. Instead of following his hon. and gallant Friend through all his details, he thought it better to wait till they were brought before the Committee, where, he had no doubt, the whole would be fully sifted. But his hon. and gallant Friend had suggested the employment of the half-pay officers as clerks in the civil and military departments. Now, it was quite possible that such a course might be advantageously pursued in certain cases; but it should be remembered that the clerks in question had to be trained from boyhood for these situations, and if they were to be filled up from the half-pay list of the Army, he was sure the public service would suffer materially in point of efficiency.

Mr. COBDEN said, that the House having voted the number of men before Easter, it would not be either consistent or logical to refuse the money necessary to clothe and pay them. He rose merely for the purpose of making a few observations on the manner in which the reduction of 10,000 men had been made. He found a reduction to that amount in the number of men; but, on turning to the number of officers, he found no corresponding reduc-

tion. Last year there were 4,862 officers; this year there were 4,759, being a reduction of 103 officers to 10,000 men; or, in other words, 10 per cent of the men were reduced, and not more than 2 per cent of the officers. He did not think this a very economical mode of making retrenchment. Instead of having 10,000 men drafted out of the regiments and paid off, he should like to see 10 or 12 regiments reduced. That was the proper mode of reduction, if they really meant to make a *boná fide* and permanent one. But if this reduction was only a temporary concession to what some regarded as but a temporary clamour in the public mind for a reduction of the public expenditure, which, as soon as it ceased, was to be raised to its old standard, then they were quite right in retaining the skeletons of regiments. But, if they meant to make a permanent reduction of 10,000 men, he saw no reason why they should not reduce 10 or 12 regiments, and reduce the officers in proportion to the number of men. He did not consider either the officers or the men in the Army and Navy too well paid: they received much less than those engaged in the American service, and he would like to see them paid as well. His real complaint was, that more persons were employed in both services than were wanted, and he wished to see the number reduced. He agreed with the hon. and gallant Member for Middlesex, that in order to reduce the Army a total change must be made in the colonial system, under which, in its present state, the duties of the Army were almost as arduous as in time of war. There were in New Zealand about 2,000 soldiers, although the white population did not exceed 20,000. It surely was not necessary for the interests of the colonies that a soldier should be maintained for two families. Soldiers who wished to settle in New Zealand might be disbanded for that purpose. That was the course which had been pursued by the Americans with respect to soldiers in their army who desired to settle in Mexico. The noble Lord at the head of the Government had stated the other evening a fact which made a deep impression on his (Mr. Cobden's) mind, in connexion with the recent outrages in Canada. The loyalist party, as they were called in that colony, had burnt their own Parliament House, because a majority of the House of Representatives had given a vote of which they did not approve; and he could not miss that opportunity of stating his belief that the incendiary body who had committed that act would find no sympathy either in this country or in the United States. But what did the noble Lord say with regard to that subject? Why, he declared that there were only two constables in Montreal. Why was this? It was because the English Government had hitherto treated the colonists as children, finding soldiers to take care of them, instead of leaving them to their own resources. As regarded the Committee, of which he was a member, he must observe that the Ordnance estimates would form work enough for its members during the present Session, and the Army Department would not be finished probably before the end of the next; but the House ought not, on any such ground, to abstain from making at once any practicable reductions.

MR. B. OSBORNE wished to put a question to the right hon. Gentleman the Secretary of War, with respect to the shell jacket now worn by some of the officers of Her Majesty's forces. Probably the right hon. Gentleman had not seen the unfortunate objects who wore them, and who, in fact, were in the position of scarecrows. If he only saw some of the old officers who were put into this shell jacket, and saw the ridiculous objects it made of them, he was sure the right hon. Gentleman would agree in opinion with him on the subject. He conceived that the whole Army should be clothed alike, and that the same principle should be applied in London to the household brigade and to the regiments of the line. Why should the officers of the household brigade be allowed to go about in handsome blue frocks, while the officers of the line were clothed in an ugly red jacket? And he was not even allowed to wear it in the only place where it could effect a saving for him—at mess; while the officers of dragoons, generally belonging to a richer class, were allowed to mess in their stable jackets. He also wished to make an observation with respect to the bearskin caps, worn by the household troops. Having taken those caps from the Fusilier regiments, why keep them in the household brigade? If they wanted to make their Army frightful to their enemies, why not apply the same rule to the household brigade as to other regiments? Why not compel the hon. and gallant Member for Wigan to go about the metropolis in a shell jacket, as well as the officers in the country? When they took away this

bearskin cap from the Fusiliers, they should not retain it in the Guards.

Mr. FOX MAULE believed the question with regard to the shell jackets had made more noise in the House than in the Army. He had heard no complaints that it had been adopted in the Army. It was adopted simply for this reason, because it was thought necessary that the officers, when employed in line, should be clothed in the same dress as the men.

Colonel LINDSAY understood that the reason they did away with their bearskin cap was, that the price of bears had risen.

Vote agreed to.

A sum of 87,376*l.*, being part of a sum of 173,376*l.*, of which 86,000*l.* had been granted on account, to defray the charge of General Staff officers, and officers of the hospitals, serving with Her Majesty's forces at home and abroad, and of Her Majesty's garrison of the Tower of London, from 1st April, 1849, to 31st March, 1850, was next proposed to be voted.

Mr. W. LOCKHART objected to the sum proposed to be voted for the expenses of the staff at Malta. He regretted to say there was not a single military man in the kingdom who would defend the propriety of having a civil governor in Malta. No man could say that a military post should be governed by a civil officer, or that the division which had taken place of the offices of the governor and commander of the forces should have been made. He wished to test the opinions of hon. Gentlemen, for the purpose of ascertaining who would favour a job, and who would not favour a job; and he would, therefore, move that the staff allowance of the lieutenant-general should be stopped after the 1st of September.

The CHAIRMAN: The hon. Gentleman will be kind enough to state some sum.

Mr. W. LOCKHART said, the sum he proposed to take off was the staff pay of the lieutenant-general for six months, 779*l.*

Mr. HAWES thought that the hon. Gentleman, without understanding much of the subject on which he had spoken, had characterised the transaction in a manner that was utterly unjust and unjustifiable, if he meant to call the arrangement that had been made for the government of Malta a job. He did not know anything which the people of Malta had longer called for than the appointment of a civil governor of that island, and he did not know an appointment ever made more successful or more conducive to the welfare of that island. When his noble Friend the Colonial Secretary felt called upon to appoint a civil governor of that island, he took into account that there would be an increase of expense, and he had reduced the salary of the governor by deducting 500*l.* a year from it to meet that expense. From the island there had been no complaint—no remonstrance. [Mr. Osborne: They do not pay the expense.] From the island no complaint was heard; on the contrary, that appointment had called forth the strongest expressions of approbation and satisfaction. They could not appoint a civil governor of Malta without increasing the expense. The former governor (Sir Patrick Stuart) was a military officer, and united in himself the offices of the governor and commander of the troops, and therefore when they separated the offices the expense was increased. What had been done by Mr. More O'Ferrall since his appointment? He (Mr. Hawes) did not wish to speak disparagingly of the preceding administration of the island. Sir Patrick Stuart was a gentleman of ability, and administered the government to the satisfaction at least of previous Secretaries of State; but when Mr. More O'Ferrall went to the island, there was great popular discontent and dissatisfaction. That feeling was allayed by the satisfaction which Mr. More O'Ferrall had given, and the reforms introduced by him were far greater than the total expenditure incurred. It was quite true that the additional expenditure falls upon the Imperial Government; but were they not to regard the interests of the people of Malta when they called for a civil government? Complaints previously were made, and petitions were sent from Malta. Since Mr. More O'Ferrall was appointed, no complaint had been made, and trade had increased. He had inquired into and reformed the various institutions of the island; and he (Mr. Hawes) did not know an instance in the whole range of colonial government to which he could refer in terms of stronger justification than to the appointment of a civil governor in Malta.

Mr. B. OSBORNE: As the trade of the population of Malta has increased under Mr. More O'Ferrall's management, I don't see why they should not pay for the civil governor themselves.

Mr. W. LOCKHART begged to say

that he did not mean to cast any reflection on Mr. More O'Ferrall, but he was determined to press his Amendment to a division.

Motion made and question put, that the sum of 86,597*l.* be granted.

The Committee divided;— Ayes 17; Noes 50: Majority 33.

List of the AYES.

Christy, S.	Pilkington, J.
Cobden, R.	Pryse, P.
Colvile, C. R.	Sibthorp, Col.
Dick, Q.	Smith, J. B.
Fergus, J.	Tenison, E. K.
Fox, W. J.	Thompson, G.
Hardcastle, J. A.	Wawn, J. T.
Lindsay, Hon. Col.	TELLERS.
Muntz, G. F.	Lockhart, W.
Osborne, R.	Spooner, R.

List of the NOES.

Adair, R. A. S.	Magan, W. H.
Anson, hon. Col.	Maitland, T.
Baines, M. T.	Matheson, A.
Baring, rt. hon. Sir F. T.	Matheson, Col.
Bellew, R. M.	Maule, rt. hon. F.
Berkeley, hon. Capt.	Paget, Lord C.
Brockman, E. D.	Parker, J.
Brotherton, J.	Perfect, R.
Busfeild, W.	Power, Dr.
Colebrooke, Sir T. E.	Power, N.
Cowper, hon. W. F.	Pusey, P.
Craig, W. G.	Raphael, A.
Dundas, Adm.	Reynolds, J.
Ebrington, Visct.	Rich, H.
Elliot, hon. J. E.	Romilly, Sir J.
French, F.	Slaney, R. A.
Harris, R.	Somerville, rt. hn. Sir W.
Hastie, A.	Thompson, Col.
Hawes, B.	Vane, Lord H.
Hay, Lord J.	Wellesley, Lord C.
Hayter, rt. hon. W. G.	Willyams, H.
Hobhouse, T. B.	Williamson, Sir H.
Howard, Lord E.	Wood, rt. hon. Sir C.
Keppell, hon. G. T.	
Ker, R.	TELLERS.
Lascelles, hon. W. S.	Tufnell, H.
Lewis, G. C.	Hill, Lord M.

Vote agreed to.

COLONEL SIBTHORP complained that the estimates were generally brought on in the Epsom week—on the night of a ball or a rout, or whenever some other flummery was going on. He did not see any of the First Ministers in their places, but he supposed they were busy elsewhere making up their books.

MR. W. MILES could not allow the vote respecting the volunteer corps or yeomanry to pass without observing that a new regulation had recently been adopted, which was likely to reduce the efficiency of the corps. To keep up proper discipline it was absolutely necessary that the yeomanry of the country should be called out annually to do regimental duty, and be inspected by a military officer; but under the existing regulation the colonel had the option of either assembling the whole of his corps, as a regiment, or in detachments on the voluntary system.

MR. FOX MAULE said, the regulation was only to apply to the present year. Last year, all the yeomanry regiments were inspected by military officers, and the result proved highly creditable to the men and officers; so creditable, indeed, that it was thought, for the convenience of some of the regiments, that the inspection might be dispensed with this year. Such a course, it was found, would save the country 15,000*l.*; and for these two reasons the permanent duty had been dispensed with for this year.

The following votes were agreed to without discussion: 47,199*l.* Public Military Departments. 9,408*l.* Royal Military College. 10,298*l.* Royal Military Asylum, 33,286*l.* Volunteer Corps. 8,120*l.* Rewards for Distinguished Services. 39,908*l.*, Pay of General Officers. 28,000*l.* Full Pay for Reduced and Retired Officers. 200,000*l.* Half Pay and Military Allowances. 22,156*l.* Foreign Half Pay. 64,778*l.* Widows' Pensions. 47,500*l.* Compassionate List.

On the vote for 18,541*l.*, being part of 35,441*l.* of which 17,000*l.* had already been granted to defray the charge of Chelsea and Kilmainham Hospitals, having been proposed,

MR. B. OSBORNE remarked that some time ago it was recommended that the Civil Board of Chelsea Hospital should be abolished, and its duties transferred to the Horse Guards, but nevertheless he found it was still charged for in this estimate. Colonel Alderson, who held an office under the Railway Commission, and retained his pay as a lieutenant-colonel of engineers, appeared to be in the receipt of 700*l.* as secretary to this board. He wished to have this explained, and to know how it was that Mr. Neave, the former secretary, was allowed to retain possession of his house, putting the public to the expense of furnishing another house for the present secretary?

MR. FOX MAULE replied, that as the office of assistant secretary had been abolished, it was necessary to continue the secretaryship so long as the board remained in existence. With regard to the second question, Mr. Neave had previously held the office of secretary for many,

many years; he was failing in life, and it was thought somewhat hard to remove him from the dwelling he had occupied so long.

Vote agreed to.

On the vote for 624,053*l.*, being part of 1,224,853*l.*, of which part had already been granted for defraying the charge of the Outpensioners of Chelsea Hospital; of pensions granted to discharged Negro soldiers; of pensioners from Hanoverian Corps which served with the British Army in 1793, 1794, and 1795; and of the military organisation of Outpensioners in the united kingdom, having been proposed,

MR. HENLEY thought this was the proper time to ask a question relative to an item of 60,000*l.* which had hitherto been paid by the East India Company, on account of the non-effective service of the Army. The question he wished to ask was, whether Government had taken at all into their consideration the increasing proportion of the Army which now served in India. This sum of 60,000*l.* seemed to him to be very disproportionate, considering the number of effective officers constantly serving in India.

MR. FOX MAULE was not quite sure that it was not an inadequate sum; but certainly when the arrangement was made between the East India Company and the Chancellor of the Exchequer, it was considered quite inadequate. Taking into consideration the receipts of the East India Company, and the circumstances under which the sum was paid, he was by no means inclined to think that it was disproportionate to the non-effective branch of our military force that had been employed in India.

MR. G. THOMPSON protested against any additional burdens being thrown upon the impoverished people of India.

Vote agreed to; as was the following vote for 19,000*l.*, being part of 38,000*l.*, of which 19,000*l.* had already been paid for defraying the charge of allowances, compensations, and emoluments in the nature of Superannuation, or Retired Allowances, to persons formerly belonging to several public departments.

The Resolutions to be reported on Thursday next.

Committee to sit again on Thursday next.

The House adjourned at half-after Nine o'clock till Thursday next.

HOUSE OF COMMONS,

Thursday, May 31, 1849.

MINUTES.] PUBLIC BILLS.—1° Joint Stock Companies Act (1848) Amendment; Highways (Annual Returns); General and Quarter Sessions.

Reported.—Defects in Leases; Passengers; Clergy Relief.

PETITIONS PRESENTED. By Mr. Buck, from Crediton, Devonshire, against the Parliamentary Oaths Bill.—By Mr. Cobden, from Rhos Llanerchrugog, Denbighshire, for Repeal of the Septennial Act; and from Navenby, Lincolnshire, for the Clergy Relief Bill.—By Lord Dudley Stuart, from Marylebone, for the Adoption of Universal Suffrage.—By Mr. Fuller, from Ninfield, Sussex, against the Marriages Bill.—By Lord Charles Manners, from Melton Mowbray, against the Alienation of Tithes.—By Mr. Mathew Wilson, from Clitheroe, respecting the Lancashire County Expenditure.—By Mr. Cowan, from Edinburgh, against the Lunatics (Scotland) Bill.—By Mr. Cockburn, from Southampton, respecting the Payment of Magistrates' Clerks.—By Sir Alexander Hood, from the Guardians of the Williton Union, for an Alteration of the Poor Law.—By Mr. Chaplin, from the Warminster Union, for a Superannuation Fund for Poor Law Officers.—By Mr. Broadley, from the Guardians of the Driffield Union, for an Alteration of the Poor Removal Act.—By Mr. S. Martin, from several Wesleyan Congregations in Yorkshire, for the Suppression of Promiscuous Intercourse.—By Sir G. Clerk, from Edinburgh, against the Public Health (Scotland) Bill.—By Admiral Gordon, from Cruden, Aberdeenshire, against the Registering Births, &c. (Scotland) Bill, and Marriage (Scotland) Bill.—By Mr. Heyworth, from Sowerby, for an Alteration of the Sale of Beer Act.—By Mr. Mostyn, from Llanrwst, for an Alteration of the Small Debts Act.—By Mr. Barnard, from Greenwich, against, and by Mr. Christopher, from the City of London, in favour of, the Removal of Smithfield Market.

CANADA—THE "TIMES" NEWSPAPER.

MR. CHRISTOPHER, seeing the hon. Gentleman the Under Secretary for the Colonies in his place, wished to put a question to him. The papers relating to Canada which were placed in the hands of hon. Members only in the course of yesterday, had appeared in the *Times* newspaper of Saturday last. His question was, whether any person connected with the Colonial Office had received permission to communicate the documents in question to the *Times*, before they were placed in the hands of Members of this House? He was induced to put this question also by the fact that on a previous occasion papers of a similar character had appeared in the *Times* newspaper before they were presented to Members of the House.

MR. HAWES was much obliged to the hon. Gentleman for putting the question. The papers relating to Canada—he spoke now of the first set—had been laid before the House in a printed state, and had been delivered to hon. Members next morning. On the second occasion it was intended that the same course should be pursued; but, upon inquiry, he found that the papers had not the next day been delivered to hon.

Members, wholly and solely on account of the intervention of the holidays. Hon. Members knew that after any papers had been laid by the Colonial Office before the House, all control over them was lost by by the department in question. He had only to add, that no instructions had been given to favour any particular newspaper. On the first occasion several applications had been made to him after the papers had been laid before the House by parties representing the press for copies. It was of essential importance that the contents of the documents should be made known to the public as soon as possible, and therefore the request was in every instance granted. One application only had not been complied with, simply because it had been made at so late an hour of the evening that it was out of his (Mr. Hawes') power to comply with the request. On occasions of this kind in question, he believed that it was greatly for the advantage of any Government that the public should be made acquainted, through the press, with the contents of official despatches.

Subject dropped.

PUBLIC PARKS.

Mr. SLANEY observed, that, some years ago, 10,000*l.* had been voted by Parliament to promote the opening of Public Parks in the vicinity of large towns, and he wished to know in what way that money had been appropriated?

Mr. HAYTER said, the sum of 10,000*l.* had been voted in 1841 for the purposes stated by the hon. Member. Between 4,400*l.* and 5,000*l.* of that money had already been appropriated for the purpose of promoting the formation of public parks, and applications were now before the Treasury to the amount of 3,000*l.* The regulations under which these advances were made, were, that the parties applying were to raise a sum at least equal in amount to that which they required to be advanced. The principal towns which had already obtained assistance from the grant were Dundee, Arbroath, Manchester, Portsmouth, and Preston; and the places from which applications were now pending were Leicester, Harrogate, Stockport, Sunderland, and Oldham.

Subject dropped.

SUPPLY—NAVY ESTIMATES.

The report of the Committee of Supply on Navy Estimates having been brought up, the further consideration of the postponed vote of May 25th (Wages to Artificers) was proceeded with.

Sir H. WILLOUGHBY rose and said, he observed that there were numerous petitions upon the table of the House, calling for a reduction of taxation. He believed that there was but one way of accomplishing it, however, and that was by reducing the public expenditure; and if any attempt of the kind were to be made, this House was the place in which to make it; he had, therefore, entered into an examination of this vote, and he thought he was able to make out a strong *prima facie* case for considerably reducing it. Last year the Government demanded 850,000*l.* on this vote; but, upon the recommendation of the Committee which sat to investigate the expenditure of the Navy, it was reduced by 40,000*l.*, in consequence of which, the estimate was made to stand at 810,000*l.* The amount of the present estimate was 764,000*l.*, being 46,000*l.* less than the sum voted last year; and his (Sir H. Willoughby's) proposition was to further reduce it, by the sum of 50,000*l.* He found that the Committee, to which he had alluded, stated, in their report, that the establishment of the naval yards should be revised; that after ascertaining the number of workmen that were actually required, the number should be fixed by an Order in Council, and that every part of the establishment so fixed should be reported to the House of Commons at the commencement of the ensuing Session, or before the estimates were voted. The sum now demanded was enormous, and much greater than had been asked for any year, with the exception of the last, during fifteen years. With regard to the number of artificers employed, he found by an Admiralty order, that, as far back as the year 1833, 6,000 artificers were considered to be enough. In 1837, the number was 7,000; in 1842, 9,000; in 1844, 10,000; in 1845, 11,000; in 1846, 13,000; in 1847, 13,000; and in 1848, 13,278—not including convicts. He should like to know, therefore, how far the recommendations of the Committee had been complied with; and if they had not been acted upon, why such vast sums of money was continued to be expended for this purpose. The late Secretary to the Admiralty (Mr. Ward), in giving his evidence before the Committee, admitted that the question of dockyard expenditure required grave consideration. He (Sir H. Willoughby) quite agreed in the necessity of having an effi-

cient Navy; and we had an efficient Navy; hence arose the question, what were the grounds for maintaining all this expenditure? Within a certain number of years ths steam navy had advanced from 5,000 to 50,000 horse-power, and the increase was still going on. There must, eventually, be some limit imposed; and he wished to know where it was intended to stop. He admitted that there might be danger of war; but there was another danger—that of disgusting the people of this country at the enormous amount of taxation; and he thought no Member would be bold enough to get up in his place and say which of these two evils was the greater. The moment that the navigation laws were repealed, they ought to put the British shipowner in an improved position by the remission of the timber duties; but they would not be able to do so unless they took large items of expenditure, such as this, into their consideration. The hon. Gentleman concluded by moving a reduction of 50,000*l.* in the vote for the wages of artificers.

MR. COBDEN seconded the Motion.

MR. F. T. BARING said, that in order to possess an efficient navy, it was requisite to keep up, at a considerable expense, stores of naval supplies in proportion. As to the steam navy, he admitted that it was very expensive, but he did not see how we could do without it; and if the hon. Gentleman looked to the steam navy of France, he would not think that our own was by any means too formidable. The hon. Gentleman had compared the expenditure of the present with that of former years. He (Sir F. Baring) admitted that the present vote was large; but it ought to be recollected that in various departments of the Navy, a higher and more skilled, and, therefore, a better paid, class of workmen were now required, than that which had formerly been employed. Reductions, however, had been made to the extent of upwards of 86,500*l.* from the amount of the vote as it stood last year. Other measures of economic reform recommended by the Committee were gradually being carried out, more particularly in the case of our foreign dockyards; but they could not well be brought at once and immediately into play.

MR. HENLEY thought that every one would agree in the principle just laid down by the right hon. Gentleman the First Lord of the Admiralty with respect to practising every economy that was consistent with the efficiency of the public service; but, as on the face of the documents before the House, this principle did not appear to be carried out in practice, he confessed he was very much disposed to agree in the Motion proposed by the hon. Baronet the Member for Eversham. For the last ten years the expenditure on the dockyards had been regularly and steadily increasing; while although the number of men employed there had been nearly the same during the last five years of that period as during the first five years, the wages had risen from 552,000*l.* to 680,000*l.*; and there had been a corresponding increase of expenditure on stores from 804,000*l.* to 896,000*l.*; so that there was an average expenditure of 220,000*l.* or 230,000*l.* altogether during the last five years beyond the average expenditure of the preceding five years, although the number of men had not been increased. He could not, therefore, arrive at the conclusion which had on a former occasion been expressed by the Chancellor of the Exchequer, that the greatest economy had been observed which was consistent with the public service.

CAPTAIN PECHELL thought that at present Government steamers were often used unnecessarily, and that by the adoption of a different system a considerable saving might be effected. He strongly urged the introduction of improvements in caulking, and recommended the use of "Jeffery's Marine Glue," on the ground of its superior qualities as well as of the economy which would attend its adoption.

SIR F. T. BARING observed that Mr. Jeffery's invention had been brought under his observation, and that inquiries were now going on with a view to some settlement with that gentleman. He (Sir F. Baring) feared that the Admiralty did not value the invention so highly as did the inventor himself, but that was not at all an unusual occurrence.

SIR H. WILLOUGHBY declined to press his Amendment.

Amendment, by leave, withdrawn.

Resolution agreed to.

SUPPLY—ARMY ESTIMATES.

On the Motion for bringing up this Report,

MR. SCULLY moved that the case of Mrs. Uniacke should be taken into consideration by the Secretary at War. The lady in question was widow of the late Colonel Uniacke, and had received all

arrears of pay up to the day of his death, but since that time she had in vain made repeated applications to the War Office for a pension. She was now much embarrassed, and had intrusted him with a petition which the rules of the House forbade him to lay before them in any other than the present shape.

MR. F. MAULE observed that the complaint was one of old standing at the War Office, dating from the time when the noble Lord the Secretary for Foreign Affairs was Secretary at War, and running down through his successors in office to the present. By that noble Lord the claim had been fully investigated, and, in his (Mr. F. Maule's) opinion, adjudicated on principles of right and justice. The fact was, the marriage of Colonel Uniacke took place in 1820, at which time he was seventy years of age; and it was a rule at the War Office not to grant pensions to the widows of half-pay officers who married after sixty years, as an inducement would be held out to officers in the last stage of existence to marry ladies in order to secure them pensions.

Resolutions reported.

SUPPLY—CIVIL CONTINGENCIES.

Motion made, and Question proposed—

"That a sum, not exceeding 50,000*l.*—being part of a sum of 100,000*l.*, of which 50,000*l.* has been granted on account—be granted to Her Majesty, to complete the sum necessary to defray the charge for Civil Contingencies, to the 31st day of March, 1850."

MR. B. OSBORNE said, that great expectations, in which, however, he had not joined, had been formed last year in consequence of the appointment of the Committee; but he certainly thought that neither the House nor the country had any reason to congratulate themselves on the altering or cutting down of these miscellaneous estimates. In one or two instances the report of the Committee had been attended to, but there had been a total absence of any principle on which to act. Indeed, he maintained that no Committee of that House could effect a reform in these estimates, and that the Executive Government alone had the opportunity or knowledge which would enable them to establish a fixed principle. He looked upon the Committee as an excuse to get rid of the question out of the House. As compared with 1848, there was a saving in the present estimate of 20,000*l.*, partly effected by a material reduction in the vote for the new Houses of Parliament, which he thought a most questionable economy; but, as compared with 1847, there was an increase of 5,000*l.* He regretted that these miscellaneous estimates were furnished in their present detached form. It would be much better to classify them under the heads of civil, colonial, and public buildings; and if they wished for civil contingencies, they might call them miscellaneous estimates. The first item to which he wished to call attention, but not with a view to reduction, for the money was already paid, and if they reduced it he knew not from what source the deficiency could be supplied—was the sum of 306*l.* in the vote before the House on account of expenses incurred in the exploration and survey of the undetermined boundary between the British colonies in North America and the United States, pursuant to the Treaty of Washington. Every year, since 1845, there had been a charge on account of that treaty, and he should be glad to know how long it was to be in existence, and what the entire cost was to be. In the same vote was the item of 2,000*l.* on account of the expenses of Earl Minto. He did not notice this item in order to take any exception to the mission, because the noble Lord the Secretary for Foreign Affairs last year had made a most able defence of it. Indeed, had never heard anything from the noble Lord in that House more satisfactory of his policy, and he referred to it only for the purpose of pointing out that there was last year also a charge of 2,000*l.* for the same mission, and he wished to know what the total expense was to be. The next item was 595*l.* on account of the expenses of Colonel Wylde whilst on a special mission to Portugal; last year it was 1,500*l.* He should be glad to know what was the whole expense of Colonel Wylde, and whether they had now done with it. He would congratulate the Committee on the very small item for the passages of bishops to the colonies, 176*l.* 13*s.* 4*d.*, which, last year, had been 1,209*l.* There was an item of 1,100*l.* for the outfit and equipage of Mr. Southern, on his proceeding to Buenos Ayes. In 1846 there was a similar charge of 4,783*l.*; and some explanation ought to be given, to show whether the negotiations going on at Buenos Ayres warranted the outlay of these sums. There was a sum of 100*l.* to Mr. Roberts, the President of Liberia. He was not sufficiently a geographer to know where Liberia was; he had looked for it in a map, and could

not find it. [An Hon. MEMBER: It is on the coast of Africa.] He was not aware, at all events, that we had established a republic there. In No. 3 were some very curious items. The charge for attendance of watermen at the House of Lords had dwindled down from 203*l.* to two guineas. Such items as these ought never to have been introduced; he hoped they would be distinctly explained. Then there was 445*l.* for what was called triennial allowances to trumpeters; but though the trumpeters might be triennial, the vote was annual. Last year there had been a charge of 183*l.* for silver trumpets, and this year it was 445*l.* for "triennial and other allowances to the sergeant trumpeter and to the household trumpeters, and for new silver trumpets and kettle drums, &c." No Ministry ought to come down to ask the House for these paltry sums, which, however, were annual, and soon amounted to several thousands. There was an item of 506*l.* far "travelling expenses of the King and Queen of the Belgians, the Duke of Saxe Coburg, and the Prince of Prussia, during their visits to this country." That was a bad precedent, and Royal personages ought to be ashamed to send in a bill to that House after visiting their Royal relatives in this country. The first vote under the head No. 4 was very extraordinary: 500*l.* for "the Commission appointed to settle the claims of British subjects in the Portuguese army and navy during the war of liberation in Portugal." This Commission had cost 11,306*l.* since 1843; and they had not finally adjudicated to this moment. This, if not a job, was a most prodigal expenditure of the public money. Then there was 865*l.* for "the Commission appointed for the purpose of inquiring whether advantage might not be taken of the rebuilding of the Houses of Parliament for the purpose of promoting and encouraging the fine arts." Already 6,000*l.* had been expended on this Commission; he said nothing of the frescoes—every one could judge of those; but the expenditure was going on every year. He wanted to know what were the expenses of these men of taste, and how they had come to lay out 6,000*l.* Then 860*l.* was put down for the Commission for metropolitan improvements; last year it was 924*l.* But the most expensive thing was the Commission on the health of the metropolis, which was 1,800*l.* this year, and 300*l.* last year. Then there was "the Commission for inquiring into the conditions to be observed in the application of iron to railway structures," 2,500*l.* this year; 500*l.* last year. What did this Commission mean, and what was to be its ultimate cost? There was an item of 2,500*l.* 17*s.* for the Commission for inquiring into the constitution and management of the Royal Mint. There was a charge of 500*l.* "for preparing a digest of the evidence taken before the Commission appointed to inquire into the tenure of land in Ireland." So, after they had paid for the big blue books, which nobody read, there was a charge of 500*l.* for reducing it to a blue book in duodecimo. The sum of 50*l.* was charged as the "expense incurred in preparing casts of the Phygalian marbles, and sending them to Athens as a present to the King of Greece." If we were in the humour for making presents, much better would it be to make some outlay on that deserving traveller Mr. Layard. There were two sums of 610*l.* and 400*l.* for accounts of turnpike trusts and highways—he supposed connected with that Bill which had fallen to the ground. The next was a very curious item. It appeared that when any gentleman took a peculiarly evangelical fit, the country had to pay for it. Last year 580*l.* had been charged as expenses connected with the public thanksgiving for deliverance from famine; and now there was an item of 462*l.* 14*s.* for sending by post copies of Orders in Council, and forms of prayer and thanksgiving. There was an item of 60*l.* for "repayment to ordnance services of the value of arms, ammunition, &c. presented to the Sultan of Johanna." Would any hon. Gentleman inform him who that individual was? There was a payment of 500*l.* to the Electric Telegraph Company: this might be a fair bill, but might not some arrangement be made by contract? Under the head No. 5, "services in Ireland," were some curious items. The first was 221*l.* 10*s.* for the rent of a public coal-yard, which was stated last year to have been purchased. There were also the following:—"The Hon. P. Plunket, second Commissioner of Bankruptcy in Ireland, on account of salary, 1,441*l.*;" "W. T. Hamilton, second Remembrancer of the Court of Exchequer in Ireland, deficiency of fees in his department, 585*l.* 17*s.*" It had been stated last year that these two items were in future to be provided for from the Consolidated Fund; why, then, were they again put into the estimates? On looking into these items, hon. Members

would perceive that they were such as no Committee could deal with; and unless they adopted some broad principle of retrenchment, it would be totally impossible to lighten the burdens of the country.

COLONEL SIBTHORP said, after the closest examination of these estimates, he had been unable to unravel the mysteries of some of them. In the miscellaneous estimates for civil services, other matters were mixed up which had no right to appear there. One was the item for the railway department. Whether railway companies flourished or not, he thought they ought to pay all their own expenses. Then there was an item of 2,000*l.* for the special expenses abroad of Lord Minto. This was a round sum, which, in addition to the 2,000*l.* of last year, made 4,000*l.* He should like to know how it happened that these expenses came to even thousands. After his Motion with respect to the Lords of the Admiralty, he despaired of effecting any reduction in these estimates, but thought it his duty to bring these matters forward.

MR. F. FRENCH also asked for explanation of the 221*l.* for rent of a coal-yard in Ireland. The item for holding an investigation in a gaol was improperly introduced, as the charge ought to have been borne by the officers of the gaol. The sum of 500*l.* payable to the Secretary for Ireland in respect of an additional office as auditor of grand-jury accounts, was wholly unnecessary, as the duties might be performed by a clerk for 200*l.* a year.

MR. GLADSTONE thought it his duty to remark on one item, that of 2,500*l.* for a commission of inquiry into the constitution and management of the Royal Mint. He had protested against this expense last Session as wholly unnecessary, believing that the Master of the Mint himself was perfectly competent to conduct such inquiry. He was a high officer of State, receiving a large salary, a privy councillor, with very small ordinary duties; and the only ground for separating this office from the Board of Trade was that the Master of the Mint might undertake an inquiry into the management of the institution. The appointment of commissions generally divided and diminished responsibility. Were the duties performed by the heads of the departments, they would be responsible to that House. He believed that the commission was wholly unnecessary, and that the Master of the Mint, with the assistance of such men as Mr. Cotton and Colonel Forbes, would have performed these duties in a perfectly satisfactory manner. He knew that Colonel Forbes entertained the peculiar view that coinage ought not to be paid for by contract, but by salaries. This was directly opposed to the practice of the Mint, whose officers were only heard as witnesses; and thus Colonel Forbes was enabled, as it were, to dictate his own views to the commission. Had the inquiry been conducted by the Master of the Mint, it would have been more impartial. It was remarkable that there were no fewer than nine commissions, each costing about 2,500*l.* He was at a loss to conceive how the Mint Commission could have spent any such sum. Colonel Forbes was a salaried officer in the East India Company's Mint, and certainly Mr. Cotton would not receive remuneration for his services. The secretary, of course, would receive remuneration. He believed it had been intimated to him that that remuneration would be proportioned to the amount of materials he might collect in the inquiry; and it certainly appeared that a great portion of the blue book consisted of the lucubrations of the secretary.

The CHANCELLOR OF THE EXCHEQUER said the commission had been appointed to inquire whether the Mint might not be rendered much less expensive to the country; and the only object of the Government was to appoint persons most competent to conduct the inquiry. He did not think that a more proper person than Mr. Cotton could have been appointed; for many years he had given very particular attention to the subject of coinage. Colonel Forbes was a person of the greatest possible experience in this mater. After spending some time in visiting the principal Mints of Europe, he had been appointed head of the Mint in Calcutta, which he had conducted with the greatest success, and which paid its own expenses. The Government had, therefore, thought it very desirable to send for Colonel Forbes to this country, to have the benefit of his experience and knowledge. Sir Edward Coffin, another member of the commission, was a commissariat officer; he had been a considerable time in Mexico, and large quantities of coin had passed through his hands in that country; also in Scotland and Ireland. The result of the inquiry had satisfied the Government that they had made a good selection. As to the expense of the commission, it was well known that Mr. Cotton was not paid; the principal expense

was the payment of Colonel Forbes, who, being a highly-paid officer of the East India Company, could not have been fairly called over to this country without the Government taking on them the same payment as had been made to him by the Company. Nearly the whole expense arose from paying to Colonel Forbes, for conducting the inquiry here, what he would have received had he remained in India. Out of the 2,500*l.*, 1,800*l.* was for payment due to Colonel Forbes. The salary of the secretary had certainly not been determined, as the right hon. Gentleman supposed, by the extent of his labours. The secretaries to these commissions were generally paid three rates of salary, according to the light or onerous nature of the duties, 300*l.*, 500*l.*, or 700*l.*; and on the results of this inquiry the Treasury had decided that the secretary was entitled to the larger amount.

Sir J. TYRELL begged to say a few words with regard to the mode in which the secretary of the commission was to be remunerated. It appeared that the secretary was to be rewarded in proportion to his labours, and he thought such a mode of paying his salary was a premium for swelling of blue books. There had been commission after commission to inquire into the subject, and blue book after blue book; but it was not shown that any improvement had taken place, notwithstanding the expense that had been incurred. He would be glad to know in detail how this sum of 2,500*l.* was made up; and he also called attention to a statement that had been made, from which it would appear that a relative of the hon. Gentleman the Member of the city of Dublin had been a recipient of the drippings of sweet oil from the Treasury.

Sir G. CLERK had no fault to find with the commission for endeavouring to avail themselves of all the means in their power of acquiring information; but what he did complain of was, that evidence was received from persons not having any intimate connexion with the Mint. It appeared that the commission never communicated, either directly or indirectly, to the officers against whom charges were preferred, that any such charges were brought against them. Those persons were subsequently called before the commissioners, and examined as to the duties of their office, but not a hint was given to them that any charge of incompetence was preferred against them from any quarter. Those gentlemen, seeing that the charges were made, applied to the proper quarter for redress, and what was the answer they received? That the commission was closed, having discharged all its duties, and that it was impossible for any further inquiry to be made.

Mr. SHEIL said, he supposed the right hon. Gentleman the Member for the University of Oxford referred to a document furnished by Mr. Pistrucci, the chief medalist, and inserted in the report. He (Mr. Sheil) had already expressed to Mr. Brande his regret that certain phrases should have been employed; but the commissioners had not stated that any of the officers accused were guilty of the charges brought against them. He thought Mr. Brande was too sensitive on the subject. The first allegation of Mr. Pistrucci, with regard to Mr. Brande, was, that though a chemist of the first eminence, he was not a good mechanist; the second allegation was, that Mr. Brande having an official control over the moneyers, his own son had been apprenticed to them, and that the salary thus insured to the son tended to create a partiality in favour of the moneyers on the part of Mr. Brande himself. There was a third allegation, to the effect that Mr. Brande did not work with his own hands. Now, the commissioners did not conceive that these charges amounted to a crimination of Mr. Brande; and, therefore, they had not called upon him for explanation. He had forgotten to state, that Mr. Pistrucci had also alleged that Mr. Brande was not skilled in the hardening of the dies, and that Mr. Wyon, the chief engraver, had alleged that a vast expenditure was unnecessarily incurred at the Mint on that account. It was the duty of the commissioners to suggest such alterations as would, in their opinion, prevent the recurrence of the evils mentioned by Mr. Pistrucci; but, in doing so, they had not said one word reflecting on Mr. Brande or any other officer of the Mint. Mr. Brande had written to him (Mr. Sheil) in somewhat caustic terms, calling for investigation; but when asked, in reply, to point out what particular allegation he wished to have made the subject of inquiry, he stated that what he wanted was a general investigation. A general investigation would, under the circumstances, have been preposterous. It had been said, that the labours of the commission had not been productive of any public benefit. His answer was, that if the recommendations of the report

were adopted, the result would be a saving of from 14,000*l.* to 15,000*l.* a year. There was one recommendation which was especially important—namely, that of the substitution of salaries for contracts. A commission, which sat in 1837, had that question under its consideration; and he thought the right hon. Gentleman opposite, the Member for the University of Oxford, would have done well had he directed his eminent faculties to that question when Master of the Mint. It appeared that the profits of the moneyers amounted to 5,000*l.* a year; and the commissioners who had recently investigated the subject, conceiving that that was too much, recommended the substitution of salaries for contracts. In order to ascertain what contracts should be entered into, the commissioners asked the moneyers what waste was incurred in the coining of a million of sovereigns. They refused to answer the question; but Colonel Forbes, having been at the head of the Mint in India, was enabled to state that the loss amounted to 700*l.*; and he believed that if the advice of that gentleman were followed, a saving of from 8,000*l.* to 10,000*l.* per annum would be effected. The hon. Member for Essex had adverted to the fact that a son of the hon. Member for the city of Dublin had received an appointment. He would explain under what circumstances the appointment had taken place. The office of Solicitor to the Mint became vacant. The salary was 800*l.* a year. The right hon. Gentleman the Chancellor of the Exchequer determined to put a stop to a job, it being well known that nothing had ever been done for the money. Accordingly, he consolidated the office of Solicitor to the Mint and Solicitor to the Treasury, and thereby effected a saving of 800*l.* annually. Mr. Powell, having held the office of assistant solicitor for thirty years, was, on the recommendation of the Attorney General, appointed first assistant, at a salary of 600*l.*, the fees being abolished; and the son of the hon. Member for Dublin, who had passed five years in an attorney's office, and was recommended by the Irish Attorney General, was appointed to succeed Mr. Powell, with a salary of 320*l.* per annum. Such was the flagitious violation of all decency which had been so eloquently denounced. He would only add, that being, as Master of the Mint, in the enjoyment of considerable patronage, he had concurred in the recommendation of the commissioners, that the whole of that patronage should be transferred to the Treasury.

MR. GOULBURN thought the question before them had reference solely to the propriety of appointing a commission to discharge the duties which those commissioners had been directed to perform. His complaint was, that the right hon. Gentleman the Chancellor of the Exchequer had consoled himself for disturbing one job by making another—by making the office of the right hon. Gentleman opposite a sinecure, by giving him three commissioners to do what the right hon. Gentleman should do himself. When the right hon. Gentleman appointed a Master of the Mint, without any additional office, the public had a right to expect that his undivided attention would be given to the affairs of the Mint, and that he would have conducted an inquiry which he (Mr. Goulburn) did not deny was required. He must say that to send to India for a commissioner to place him in a situation of that kind in this country, appeared to him to be a degree of extravagance for which he could not account.

MR. LABOUCHERE, having had the honour to be connected for some time with the Mint, felt it due to the officers of that establishment to express his conviction, that both in skill and integrity they were altogether deserving of the confidence that had been placed in them. As he had stated to the House on a former occasion, the system on which the Mint was conducted required improvement. It was one extravagant to the country and cumbrous in its operations; but it was quite consistent with the expression of that opinion to declare that, so far at he was aware, no blame could attach to the individuals engaged in that establishment. It was impossible for any gentleman in the position of his right hon. Friend, without the assistance of others having a practical knowledge of the operations of the Mint, to conduct the inquiry in a manner satisfactory to himself, or likely to be productive of satisfactory results to the public.

MR. GLADSTONE wished to offer a remark with reference to an observation made by the right hon. Gentleman opposite, the Master of the Mint. The right hon. Gentleman had expressed a hope that the Government would speedily act upon the recommendation of the commission. With regard to that part of the recommendation that had reference to the constitution of the Mint, he (Mr. Gladstone)

had no objection to offer; but he hoped the right hon. Gentleman would consider whether the coinage of the country was to be executed by contract or by salary. He (Mr. Gladstone) believed there was a fallacy on the subject. The right hon. Gentleman said that a saving of 14,000*l.* or 15,000*l.* would be effected by adopting the suggestion of the commissioners; but was the present system extravagant merely because it was a system of contract, or was it extravagant because it was a bad system of contract? He regretted that they had not compared the system of salary with a system of contract frugally administered; and he hoped that the question would be maturely considered before a decision was come to.

Sir J. TYRELL said, that from what he could learn, all the information which Colonel Forbes possessed on the subject had been obtained from the Mint at home, and not from any similar establishment in other places. With regard to the Indian coinage, he believed that the people of this country would never be satisfied with coinage of so imperfect a character as that which was in circulation in India.

Mr. MANGLES defended the appointment of Colonel Forbes, and said that, in his opinion, there was no man in this or any other country who possessed so great a knowledge of the subject as that gentleman.

Colonel SIBTHORP wished to know—with respect to an item of 506*l.* 2*s.* 3*d.* for travelling expenses of the King and Queen of the Belgians, the Duke of Saxe Coburg, and the Prince of Prussia during their visits to this country—from what quarter this money was to come, by whose authority the expense had been incurred, and how it had been ascertained that this exact amount of expense had been incurred?

The CHANCELLOR of the EXCHEQUER stated, that such charges as these were formerly paid from the civil list of the Sovereign of the country. A Committee, however, which had been appointed to inquire into the Civil List, recommended—and its recommendation was adopted by the House—that it should be confined to merely personal expenses, and that other charges, though not of great amount, should be defrayed by the public as before, though in a different shape.

Mr. B. OSBORNE said, that the vote with regard to the expenses of the commission for inquiry into the management of the Mint had degenerated into a skirmish between the Master of the Mint out, and the Master of the Mint in. He did not consider that the fault with respect to this commission lay so much with the Government, as with the system unfairly adopted of appointing these commissions without any estimate of their probable expense. There was a sum required on account of the expenses of Colonel Wylde to Portugal—on account of the expenses of the Earl of Minto's expedition—on account of expenses connected with the North American boundary—on account of expenses connected with the mission of Mr. Southern to Buenos Ayres—also a sum of 100*l.* on account of expenses of Mr. Roberts, President of Liberia. He should like to know how much more would be likely to be required for those services. There were several other charges of which he had to complain, among others, of a sum of 575*l.* to the Commissioners of Greenwich Hospital for light-dues on transport vessels, which had accrued during the late war. When the vote of 100,000*l.* to defray expenses to be incurred under the head of Civil Contingencies for the year ending March, 1850, came under consideration, he would propose that the sum be reduced to 80,000*l.*

The CHAIRMAN stated that the vote was for a sum of 50,000*l.* to complete a former vote.

Mr. B. OSBORNE said that No. 3 was for a sum of 100,000*l.*, and he wished when that came under the consideration of the Committee to move that it be reduced to 80,000*l.*

The CHANCELLOR of the EXCHEQUER repeated, that the present vote was for 50,000*l.* to make good and complete a sum that Parliament had already voted. It appeared to him rather hard, after the Government had used their best endeavours to proceed as economically as possible, that objections of this kind should be made. It had been usual to vote the sum of 100,000*l.* as a round sum every year for civil contingencies. In some years that amount was exceeded, in others, the expenditure was not so much. He thought that the better course would be to take some round sum, and they might rest assured that the Government would not spend more of it than would be actually required. During the past year, the Government had expended only 73,000*l.* out of the 100,000*l.* voted.

Viscount PALMERSTON said, that as the sum proposed on account of the ex-

penses of the Earl of Minto, whilst on a special mission, was a round one, and not, as some others preceding and following that item, containing odd shillings and pence, he presumed that that sum would not be a final payment on that score. With regard to the expenses of Colonel Wylde, in connexion with the Portuguese commission, it would be remembered that a commission was appointed several years since to inquire into the claims of persons who had served in the army and navy of that country. The labours of that commission were so nearly brought to a close, that he believed they would cease entirely about the end of the present month. With respect to the expenses connected with Mr. Southern's mission to Buenos Ayres, he was not at liberty to state precisely the condition in which the negotiation between this country and Buenos Ayres at present stood; but he had the satisfaction of assuring his hon. Friend and the House, that the last accounts which he had received from Mr. Southern gave very reasonable grounds for hoping, that that long-pending affair would at last be settled in a perfectly satisfactory manner.

Mr. B. OSBORNE wished to have some explanation with respect to a sum of 2,500*l.*, charged on account of the expenses of a commission to inquire into the conditions to be observed in the application of iron to railway structures.

The CHANCELLOR of the EXCHEQUER said, that in consequence of a fearful accident, attended with considerable loss of life, which had happened a short time since, occasioned by the falling in of a bridge over the river Dee, near Chester, it had been earnestly pressed upon the Government that some measures should be taken by the Government to ascertain precisely the strength of iron, not as regarded weight merely, but with respect to the concussion of such a body as a railway train passing over an iron bridge. A commission was accordingly appointed; and, after some investigation, they reported that it would be necessary to make some experiments upon a large scale, for the purpose of testing the power of iron in bearing strains in every direction. As it was necessary to have this question correctly ascertained, those experiments had been ordered to be made.

Mr. WYLD complained of the present arrangements of the British Museum, and the manner in which the map and chart department was conducted; and he would be glad to know when the report of the commission of the British Museum might be expected?

The LORD ADVOCATE, as one of the commissioners, stated that the report was already in a forward state, and would shortly be laid upon the table of the House.

Mr. COBDEN wanted to know what we had to do with the President of Liberia, that the country was to give him 100*l.*? Secondly, he wanted to know what was the meaning of the sum put down as expenses of the King of Mosquito and suite on a visit to Jamaica?

Viscount PALMERSTON stated, that when a passage was given on board a ship of war, certain expenses were necessarily incurred for the maintenance of the party, and in such cases when a passage was given as a matter of courtesy, it was not usual for the captain of the vessel to send in his bill for the entertainments to the person so conveyed. The King of Mosquito was conveyed in a ship of war to Jamaica, where it was usual for the kings of that country to be crowned, and then sent back to their own territory. The expense charged was for so conveying the King of Mosquito.

Mr. COBDEN said, that as to the King of Mosquito, the United States regarded with jealousy any setting up of monarchical States on the coast of North America; and he considered it extremely injudicious on our part to be putting ourselves forward in such prominent connexion with this aboriginal savage as to fetch him over to Jamaica, crown him there, and then carry him back again, and instal him in his kingdom. There was another item for the charge of maintaining certain Mosquito Indians; were we to keep the subjects of the King of Mosquito as well as the king himself? There was an item for the payment of some advances or other to Moorish chiefs at Portendic, and another for arms, &c., given to the Sultan of Johanna. It appeared to him most improper to be expending the public money in arming these obscure savages.

Viscount PALMERSTON said, that as the Mosquito State had been under the protection of Great Britain for nearly two centuries, it was very unreasonable for the United States, whose origin was certainly not of the same antiquity, to find fault with the relations which had existed between the kingdom of Mosquito and this country for so many years before the

United States themselves became an independent country. With respect to the charge for presents to the Mosquito Indians, he rather thought that this would be the last time that such an item would appear in the accounts; he hoped, therefore, that that answer would prove satisfactory. With regard to presents to the Moorish chiefs of Portendic, there was a considerable gum trade carried on on the coast of Africa, and it was usual to make certain presents to the chiefs of the various tribes, in order to induce them to bring the gum down to exchange with the merchants of this country. This charge was for the value of presents made to the chiefs engaged in that trade. With regard to the Sultan of Johanna, he supposed that some small presents had been made to that chief, with the view of binding him in closer alliance with us.

Mr. COBDEN observed, that there was a very large amount, namely, 4,875*l.* for expenses defrayed by the British Consul at Monte Video, for the relief of distressed British subjects, not seamen. He should be glad to have some explanation respecting this item.

Viscount PALMERSTON replied, that this was one of the charges which arose out of that interference which began with the last Government. It was for sums issued by our Minister at Monte Video, for the relief of British subjects who had been reduced by the contest carried on there to a state of destitution.

Mr. B. OSBORNE moved that the vote be reduced to 30,000*l.*

Motion made and Question put—

"That a sum, not exceeding 30,000*l.*, (being part of a sum of 100,000*l.*, of which 50,000*l.* has been granted on account) be granted to Her Majesty, to complete the sum necessary to defray the charge for Civil Contingencies, to the 31st day of March, 1850."

The Committee divided:—Ayes 15; Noes 47: Majority 32.

List of the Ayes.

Bouverie, hon. E. P.	Pechell, Capt.
Cobden, R.	Salwey, Col.
Duncan, G.	Sidney, Ald.
Fagan, W.	Thompson, Col.
Fox, W. J.	Walmsley, Sir J.
Greene, J.	Wyld, J.
Lacy, H. C.	TELLERS.
Lushington, C.	Osborne, B.
Molesworth, Sir W.	Sibthorp, Col.

List of the Noes.

Abdy, T. N.	Barnard, E. G.
Armstrong, R. B.	Bellew, R. M.
Baines, M. T.	Berkeley, hon. Capt.
Boyle, hon. Col.	Lewis, G. C.
Brown, W.	M'Gregor, J.
Colebrooke, Sir T. E.	Magan, W. H.
Cowper, hon. W. F.	Maitland, T.
Craig, W. G.	Mangles, R. D.
Dundas, Adm.	Milnes, R. M.
Dunne, F. P.	Morison, Sir W.
Ebrington, Visct.	Paget, Lord A.
Elliot, hon. J. E.	Palmerston, Visct.
Estcourt, J. B. B.	Parker, J.
Fordyce, A. D.	Romilly, Sir J.
Forster, M.	Rutherfurd, A.
French, F.	Sheil, rt. hon. R. L.
Grey, rt. hon. Sir G.	Somerville, rt. hn. Sir W.
Grey, R. W.	Thornely, T.
Hawes, B.	Verney, Sir H.
Hay, Lord J.	Wellesley, Lord C.
Hayter, rt. hon. W. G.	Wilson, J.
Hobhouse, rt. hon. Sir J.	Wood, rt. hon. Sir C.
Howard, Lord E.	TELLERS.
Ker, R.	Tufnell, H.
Lascelles, hon. W. S.	Hill, Lord M.

Original Question put, and agreed to.

Resolution to be reported To-morrow: Committee to sit again To-morrow.

CLERGY RELIEF BILL.

The House resolved itself into Committee on this Bill. The remaining clauses were agreed to, with some Amendments.

Mr. LACY then proposed that the following proviso be added to the 7th Clause:—

"And be it enacted, That it shall not be lawful for any archbishop or bishop of the United Church of England and Ireland to re-ordain, grant letters of orders to, or again admit to holy orders, any person so having been relieved by sentence of deposition from holy orders, as aforesaid."

Mr. BOUVERIE objected to it as being altogether unnecessary. According to the ecclesiastical law there could not be a second ordination. A person might be restored as a clergyman without being re-ordained. All that the Bill did was to allow the suspension of a clergyman from the performance of his functions.

After a few observations from Mr. LACY, the clause was withdrawn.

The House resumed. Bill reported.

The House adjourned at a quarter after Nine o'clock.

HOUSE OF COMMONS,

Friday, June 1, 1849.

Minutes.] Public Bills.—1° Sunday Trading (Metropolis); Silver Coinage; Sites for Schools.

3° Defects in Leases.

Petitions Presented. By Mr. Robert Palmer, from Newbury, against the Parliamentary Oaths Bill.—By Mr. Macgregor, from Glasgow, for Universal Suffrage.—By Lord J. Stuart, from Symington, Ayrshire, against the Sunday Travelling on Railways Bill, and the Registering Births, &c. (Scotland) Bill.—By Mr. Wodehouse, from the Guardians of the Depwade Union, Norfolk, for the County Rates and Expenditure Bill.—By Mr. H. Stuart,

from Representatives of Fire Assurance Societies, complaining of Evasions of the Fire Insurance Duties.—By Sir C. Burrell, from Croydon, for Agricultural Relief.—By Colonel Anson, from Lords of Manors, against, and by Mr. Aglionby, from the Hundred of Wangford, in favour of, the Copyholds Enfranchisement Bill.—By Mr. Gladstone, from the Association of Shipmasters, Mates, and Seamen, for an Alteration of the Merchant Seamen's Fund Act.—By Mr. Herries, from Quebec, for a Modification of the Navigation Bill.—By Mr. Gibson Craig, from Edinburgh, against the Police of Towns (Scotland) Bill, and Public Health (Scotland) Bill.—By Mr. G. Sandars, from the Wakefield Union, for a Superannuation Fund for Poor Law Officers.—By Mr. J. A. Smith, from Chichester, for an Alteration of the Small Debts Act.—By Sir C. Douglas, from London, for the Removal of Smithfield Market.—By the Sheriffs of London, for an Extension of the Smoke Prohibition Bill.

THE EARTHQUAKE IN NEW ZEALAND.

MR. AGLIONBY said, that about a week or ten days ago a number of papers was laid on the table of the House, detailing the effects of the earthquake that had been felt in New Zealand. Since that time several statements had appeared in the newspapers on the same subject, which, he had reason to believe, from the private letters he had received, were very much exaggerated; he wished to put the following question to the hon. Gentleman the Under Secretary for the Colonies—Whether any further accounts have been received from New Zealand, on the subject of the earthquake that had been felt there; and whether the extent and amount of damage is known?

MR. HAWES, in reply, said, that since the despatches which were received on the 25th of April, and laid upon the table of the House, the Government had only received the official *Gazettes* which were published in the island; and that these had not come officially, although he had no doubt of their official character. In the papers which had been laid upon the table of the House, the Governor stated that the total loss of property was estimated at about 50,000*l.*, and he then gave some details of the nature of the injury which had been inflicted upon the town of Wellington. Subsequently the official *Gazettes* had announced the appointment of a commission to inquire into the amount and extent of the mischief done; and that commission, the date of whose appointment was the 2nd of December last, had made a report to the effect that they had endeavoured to ascertain the amount of the damage done to the town, and they considered that at the utmost it was not more than 15,000*l.* worth of property of all descriptions, including 3,500*l.* of the colonial government. It appeared that the Governor had addressed the Legislative Council of Wellington on the 28th of December, and that in his address he alluded to the effects of the earthquake. He said that, probably, no surer proof could be afforded of the real prosperity of that portion of the province of Munster than the rapidity with which its inhabitants had recovered from the effects of the recent earthquake, from which, at one time, it appeared so probable that very calamitous results might follow; that the settlers had, in this instance, exhibited their usual energy and perseverance; and that he had done his utmost to second this by causing a circular letter to be addressed to the governors of the neighbouring colonies, explaining the exact nature of the injury caused by the earthquake, and requesting them to make known in their several localities that the public confidence was entirely restored, and that commercial and other operations had, for some time past, been resumed, and carried on with their wonted activity. This being the official statement, he (Mr. Hawes) trusted it would have the effect of dispelling any alarm that might be felt by the friends of the colonists in this country.

Subject at an end.

REGULATIONS FOR IRISH PASSENGER STEAMERS.

In reply to a question by MR. CARDWELL,

MR. LABOUCHERE stated, that the result of the investigation which had been made by Captain Denham had established the necessity of the Board of Trade exercising its power to limit the number of passengers carried in the steamers trading between Ireland and England; but before carrying that power into effect, he was desirous that the report should be printed, in order that the steamboat proprietors might be made acquainted with what was proposed to be done.

Subject at an end.

CANADIAN INDEMNITY BILL.

MR. HERRIES said, he had several times asked the noble Lord, and other Members of the Government, for the production of the votes and proceedings of the legislative body of Canada, showing the progress of the Bill for granting compensation for losses sustained by reason of the Canadian rebellion, more especially for such extracts from those votes and proceedings as would lead to elucidate the intention of the colonial legislature in pass-

ing the Bill in question. He wished now to know whether there was any difficulty in the matter, or whether there was any objection, and what, to laying such papers before Parliament? In other words, he desired to be informed if the question, whether or no persons who had contributed to and aided in the rebellion were to be indemnified for the losses thereby incurred by them, had been mooted in the course of the proceedings on the Bill, and if so, what had been the result?

Mr. HAWES, in reply, said, that all the votes and proceedings of the legislative assembly of Canada received by the Colonial Office had already been printed and laid before Parliament, and that the Government had no others to produce. He believed it had not been the custom to send the whole of the votes and proceedings of the colonial legislature to the Colonial Office until the close of the Session; but on this occasion the Governor had forwarded certain of those proceedings, which, as he had said, had been already produced.

Mr. HERRIES wanted to know whether any further information than what had been already produced had been received officially; or if not, whether the Colonial Office was in possession of any private letters containing the information he required; and whether, presuming such to be the case, they would be laid before Parliament?

Mr. GLADSTONE would put a question with the view of clearing up this matter. The understanding was, that none of the votes and proceedings of the colonial legislature relative to the Rebellion Losses Bill had been laid on the table. So he understood it. But in the 9th page of the papers laid before Parliament early in the last month, there were certain proceedings of that legislature relative not to that Bill, but to the address of confidence which had been voted to the Governor after the riots at Montreal. He apprehended that the votes and proceedings to which his hon. Friend the Under Secretary for the Colonies referred as having been produced, were those. If so, probably his hon. Friend would say whether any previous votes and proceedings had not also been received, and if they had, whether there would be any objection to produce them.

Mr. HAWES would, had his right hon. Friend given him notice of his question, have made the necessary inquiries in order to satisfy him. Having received notice of the question of the right hon. Gentleman the Member for Stamford, he had inquired whether copies or extracts of any votes or proceedings of the Canadian legislature relative to losses which might have been sustained by persons engaged in the rebellion, had been received by the Colonial Office, and was informed that none such had arrived. But, as he had stated, it was not the custom to forward the votes and proceedings of the colonial legislature to the Colonial Office until the end of the Session. [Mr. Gladstone: Except in special cases.] Yes, except in special cases. In the present case, undoubtedly, the Secretary of State for the Colonies had been informed of what was going on; but the Governor General did not think it necessary to write an official despatch until the Bill arrived at that stage at which it was necessary to obtain the Royal assent. He would make further inquiry on the subject, and if any papers had been overlooked, which, though possible, he did not believe to be the case, he would inform the House on Monday, and they should be produced.

Mr. HERRIES: The hon. Gentleman must be aware that, though it was important that they should have the documents in question in an official shape, they were already in the hands of the public. They had been published in all the newspapers; and if the official papers were not produced by the hon. Gentleman, he apprehended they would be at liberty to look upon the newspaper accounts as authentic.

Lord J. RUSSELL had seen the statements to which the right hon. Gentleman referred; but reminded him that many documents had appeared in the newspapers which had not been laid on the table, and of course the right hon. Gentleman was perfectly at liberty to attach whatever degree of authenticity to them he thought fit.

Subject dropped.

ALLEGED CANNIBALISM IN IRELAND.

Lord J. RUSSELL said: I am anxious to take this opportunity of answering a question which was put to me some short time before the holidays by the hon. Gentleman the Member for Kerry, in regard to an occurrence of a shocking and revolting nature, said to have taken place in Ireland, and which had been mentioned in a letter addressed to me. I stated, when the question was put to me, that I had received no official account of the circumstance, but I would make inquiry, and in-

form the hon. Gentleman of the result. Now, the statement as contained in a letter which has been published by the gentleman who wrote to me, and who signs himself "J. Anderson, Rector and Vicar of Ballinrobe, and Protestant chaplain of Ballinrobe workhouse"—this gentleman, I observe, prefaces his statement by remarking, "that he knows how serious a thing it is to be instrumental in exciting the public mind; therefore it is with great reluctance that I make these statements." Well, after thus stating his extreme reluctance to say anything calculated to excite the public mind, he proceeds to state the following facts amongst others. He says—

"But, my Lord, I have yet other woes to mention, the recital of which may in future put an extinguisher on that niggardly policy which has produced such results. The tale I have now to tell is so horrifying as to render all that has yet occurred nothing in comparison."

Then he goes on to say—

"In a neighbouring union a shipwrecked human body was cast on shore; a starving man extracted the heart and liver, and that was the maddening feast on which he regaled himself and perishing family."

On referring to the authorities in Ireland, my right hon. Friend the Secretary for Ireland obtained the depositions made at the time, and reported to the Poor Law Commissioners. The circumstance to which reference is thus made, I should state, occurred in November last, the date of the letter being May 19, 1849; and the House will observe what the circumstance really was, and that it was of a character totally different from what was represented by this person who is so fearful of unnecessarily exciting the public mind. It appears that it occurred in the Clifden union, and that a labourer who was at the time in constant employment, being employed by a farmer in the neighbourhood, found the dead body of what he considered to be an animal cast upon the shore. This person, I should say, is represented to have been a man of singularly voracious appetite, but not at the time suffering from distress himself, being, as I have said, in the receipt of regular wages. It is true that two of his sisters were receiving relief, but he was not, but was regularly employed at regular wages. When he found the body, he did not appear to know that it was a human body, and he proceeded to cut out a part of it, and was about to eat it, when some of the neighbours remarked that it was the trunk of a human being. He said he was not aware of that, and it does not appear that he ate any portion of the flesh, whatever his original intention might have been. The inspector, Mr. Briscoe, made inquiry into the circumstance, and the result has been reported as I have stated. But it does not appear that the man was in distress at all, and it was not at the time considered a case that demanded further inquiry. Such being the circumstance, and the nature of it being so totally different from that which Mr. Anderson represented it, and which naturally induced inquiries on the part of the hon. Member for Kerry, I felt it my duty to give this explanation as soon as I possibly could after the meeting of the House; and I only wish further to observe, that statements of this nature made not only with much exaggeration, but with a total distortion of the facts, are calculated to produce a most unfortunate effect, and to make persons disbelieve stories accurately founded on what has really occurred, many of which, I am sorry to say, are but too true, and to weaken public sympathy for the very severe privations to which a great part of the population of Ireland are unhappily subjected.

THE MORTALITY IN BALLINASLOE.

SIR G. GREY said, with regard to a question which had been put to him before the recess by the hon. Member for the city of Limerick, relative to the Ballinasloe union, he had received a letter from the Earl of Clancarty, the chairman of the board of guardians, which it was due to him to refer to in order to correct a statement that he (Sir G. Grey) had made as to the mortality in that union. He had stated, on that noble Lord's authority, that the mortality in the Ballinasloe workhouse was rapidly decreasing, and that on the last day to which he had received any information, it had been reduced to six. When the Earl of Clancarty returned home, he found that that statement was incorrect, and that that number of deaths had not been so low as six in any one day, though in two days taken together it had been eleven, so that substantially, after all, the statement was borne out. With regard to another question put by the hon. Member for the city of Dublin, with regard to the employment of the organist of the parish church to assist in compounding medicine for the poor, the Earl of Clancarty informed him that it was true the services of Mr. Norton, the organist—who had been a medical assistant—had been accepted to meet

a temporary emergency, no other assistant being at the time available, but that there were other medical officers under whom he had to act. The Earl of Clancarty in his letter said—

"The great mortality which unhappily prevailed in the workhouses at Ballinasloe was occasioned by cholera, there having been no less than 1,077 cases of cholera in the workhouse between the 22nd of April and the 24th of May, of which 772 were fatal. It is a source of great unhappiness to me to find that, though diminishing, the mortality is still great. I am deeply sensible of the responsibility that attaches to guardians of the poor to do all that the law and the means at their command enable them for the relief especially of the sick poor; and I can truly say, that no pains have been spared by the board in this union to provide adequately for the emergency, or by individual guardians in visiting the sick wards and hospitals of the workhouses to support and encourage the officers in the performance of their duties; but I lament to add, that such is in general the emaciated state of the poor, who are often admitted to the House in an advanced state of sickness, that with constitutions worn out by three successive years of famine, they have little strength to aid the efforts of medical skill for their recovery.

This statement he (Sir G. Grey) could confirm.

Mr. J. O'CONNELL said, that in the statement he had made with reference to the actual number of deaths in the Ballinasloe workhouse, he was misled by English as well as Irish newspapers. The deaths from cholera in these workhouses had, however, been very large, and that epidemic had been superinduced by want of food.

Subject at an end.

THE COAST GUARD.

Sir J. TYRELL wished to ask the Chancellor of the Exchequer whether it was true that, in consequence of the great reduction in price that had taken place on provisions generally, and particularly in articles of French manufactures, Her Majesty's Government were contemplating, or had carried into execution, a reduction of the coast-guard service, and that the horses used in that service were sold, or were contemplated to be sold? He wished also to ask whether it was a fact that on the south coast of England French contractors were supplying some of the poor-law unions with provisions?

The CHANCELLOR of the EXCHEQUER said, with regard to the first question of the hon. Gentleman, he believed that it would be possible to make considerable reductions in the coast guard. With regard to the second question, Her Majesty's Government were not in possession of any information which would lead them to suppose that the poor-law unions were supplied with French contracts.

Sir J. TYRELL asked if it were not true that the horses of the coast guard were now in the repositories of London for the purpose of being sold?

The CHANCELLOR of the EXCHEQUER: Not that I know of.

Sir J. TYRELL: But I can assure you that they are.

Subject dropped.

THE TOOMEVARA EVICTIONS.

Mr. SCULLY rose to put a question to the right hon. Baronet the Chief Secretary for Ireland with regard to the evictions that had recently taken place at Toomevara, where a most heartrending scene took place, 600 individuals having been dispossessed of their homes, in the midst of a dreadful storm of wind and rain. He had received accounts of this lamentable affair from an eye-witness, which fully bore out all that had appeared in the newspapers. He understood that the gentleman on whose estate these evictions had occurred, was a clergyman in the English Church, but who resided partly in England and partly in Ireland. He wished to ask the right hon. Gentleman the Chief Secretary for Ireland, as one of the Poor Law Commissioners for Ireland, whether the board of guardians in the Nenagh union, in which these evictions had occurred, had made any provision for this large and numerous body of poor wretched individuals, and whether they had taken any steps to provide them with shelter, for he had since been informed that hundreds of them subsequently died on the high roads, in ditches, under trees, or wherever they could find shelter? Such a state of things surely ought not to continue in a Christian country. He was the more anxious to put the question he had done, because some time ago there was a memorial, very numerously signed by the ratepayers in the Nenagh union, forwarded to the Poor Law Commissioners in Dublin, complaining that the guardians of the union had refused to give outdoor relief, and that in consequence the workhouse had become so crowded that upwards of 1,000 persons died in about four months.

Mr. DRUMMOND said, before that question was answered, he wished to ask a question of the hon. Gentleman the Mem-

ber for Tipperary. A very strong attack had been made upon a gentleman with whom he (Mr. Drummond) had the honour to be acquainted, and he thought that an attack of this kind, founded on newspaper statements— [Mr. SCULLY: It is a private communication.] Well, it is the same thing. An attack of this kind ought not to be made upon an absent gentleman without giving him an opportunity to instruct some one as to his defence; and he said so the more confidently because they knew, from what the noble Lord at the head of the Government had recently stated, that they could not take all communications that came from Ireland without abatement.

SIR W. SOMERVILLE said, he had received no official information on the subject. If he understood the statement of his hon. Friend aright, it was that the board of guardians of the Nenagh union had failed to provide for those who were evicted under the provisions of the Act of last Session. In that case the guardians of the union and not the Poor Law Commissioners were the responsible parties. With regard to the memorial referred to by his hon. Friend, having had no notice of the question, he could not give an answer respecting it.

MR. J. O'CONNELL said, there was a more important question behind the present, which it would be well if the House would address itself to, and that was, whether they ought not to interfere and put a stop to the fearful system of evictions which was now going on in Ireland. An excellent Act had been passed at the end of last Session, which provided that before parties were evicted notice should be given to the relieving officer; but it was very evident, from the deaths which had occurred in consequence of these evictions, that that Act had never been brought into operation. Doubts had been attempted to be cast upon some of the accessories of these scenes, but there could be no doubt of the atrocities themselves. He held in his hand an account of some other evictions at Kilnafinch, in the same county. He trusted the Government would inquire into these facts; and if the Irish Members were, as it was said, continually misrepresenting — continually asseverating things that did not exist—let that be proved. He, for one, should be very happy to learn that these atrocities had not been committed.

Subject dropped.

DANISH BLOCKADE.

MR. G. SANDARS wished to ask the noble Lord the Secretary for Foreign Affairs if he had heard of the fact of several British ships, with British property, sailing from the ports of Barth, having been seized by the Danish ships of war, and taken into Copenhagen, though the said port of Barth was not one of the ports which had been declared under blockade, or any steps taken to render it so?

VISCOUNT PALMERSTON replied, all he knew of the facts was, that representations had been addressed to him by parties interested in these vessels, and upon those representations he had directed inquiries to be instituted at Copenhagen to ascertain the circumstances of the case.

MR. G. SANDARS wished to call the attention of the noble Lord to a letter he had received from Hamburgh, dated 29th May, containing the following telegraphic despatch from Cuxhaven of that date:—

"The English steamer *Rob Roy*, which arrived here at six P.M. yesterday, under the post-office flag, from Hull, only landed her passengers and returned to Hull at about seven o'clock. This was in consequence of the commander of the Danish ship of war only giving permission to the steamer to enter the Elbe under those conditions; and he further required the whole of the crew of the *Rob Roy* to be taken out and replaced by a Danish crew of one lieutenant and ten men to take her in charge to Cuxhaven, and back again to the frigate."

This appeared to him a most extraordinary proceeding, and he begged to call Her Majesty's Government's attention to it, as being very like an indignity offered to the British flag.

VISCOUNT PALMERSTON explained, that in the former arrangements with the Danish Government a certain nnmber of post-office packets were named which should be allowed to pass through the blockade. It so happened that the Hull packets were not therein included. The Post Office had, however, since entered into contracts with those packets, and he had notified the fact to the Danish Government, and had applied for the same privileges; but no answer had as yet been received to the application. Under these circumstances it was very probable the Danish officer, not being aware of the circumstances, had acted in the manner described, as he only knew the *Rob Roy* was not one of the Royal Mail Packets included in the first arrangement.

MR. G. SANDARS begged to call the noble Lord's attention to a further fact.

In a letter which he had received from the Foreign Office, dated May 23rd, was the following sentence :—

"The commanders of Her Majesty's steamers *Hecate* and *Sphynx* have both reported the blockade of the Elbe by the Danish squadron to be an effectual blockade, and that the Governor of Heligoland coincides in that opinion."

Now, the real fact is, that it was a most partial and imperfect blockade. He held in his hand some twenty certificates from Cuxhaven and Stade, giving the names of vessels which had passed those ports from the 17th to 25th May; they amounted to no less than thirty-six having arrived at Cuxhaven, and sixty having paid the Stade dues and passed up the Elbe, every one of which must have broken the blockade said to be so effective by Her Majesty's officers on board the war steamers and at Heligoland. How did the noble Lord account for this discrepancy?

Viscount PALMERSTON admitted the statement of the hon. Gentleman was perfectly true. A Government steamer had been despatched at the commencement of hostilities to examine the condition of the blockade, and reported it was effective, and that the Danish cruisers were in a position to enforce it; but it was also true that no blockade, particularly in such a river as the Elbe, could be rendered so effective as that vessels might not now and then break through it at night and other times.

Subject at an end.

SUPPLY—CIVIL SERVICE.

The House then resolved itself into a Committee of Supply; Mr. Bernal in the chair.

Upon the Question, that the sum of 103,467*l.* be voted for the maintenance and repairs of the Royal palaces and public buildings,

Mr. B. OSBORNE said, no man in the House had greater respect for the Sovereign of the country than himself. While he was sure he was only expressing the feeling of the House in saying, that he was most anxious that the Sovereign should be lodged in a way that would do credit to the country and the station She occupied in Europe; at the same time, he thought the House was bound to inquire into the system by which these enormous sums were, year after year, brought before the House of Commons for public palaces. He was sure the Sovereign would be the last individual in the country to wish that system to continue without proper inquiry being made into it. Hon. Gentlemen who knew nothing of the estimates, were not aware that, besides a sum of 750*l.*, there was one of 50,000*l.* for improving Buckingham palace; making a total of 50,750*l.* [The Chancellor of the Exchequer dissented.] But that right hon. Gentleman would admit that the 50,000*l.* had to be provided. The House ought to know what had already been spent on Buckingham Palace. A Committee sat in 1841, and they made a report, by which it appeared that the agregate sum expended, exclusive of the marble arch, on Buckingham Palace, was 613,296*l.* If to this were added other votes amounting to 150,000*l.*, it would be found that that palace had cost the country, altogether, 763,296*l.* Now, for such a sum as that the House ought to have been able to build a palace every way fitting for the Sovereign of England, and not the sort of patchwork building erected in the hole in which Buckingham Palace stood at present. So much for the palace. The vote for Windsor Castle was for 6,550*l.* for stables and other detached buildings, and that was followed by a vote for 10,000*l.* for an increased supply of water for general clearance of drains, and especially for the further protection of the castle from fire. The entire vote was for 16,550*l.*; and the House might probably say that that was a small sum. But he found that since the year 1824 there had been expended upon Windsor Castle no less a sum than 1,498,516*l.* Thousands had been expended upon it in the glorious days of George IV.; and, amongst other items, the sum of 267,000*l.* had then been paid for furniture. Was this system to continue? Did hon. Members deserve the name of guardians of the public purse if they suffered it to exist? He hoped they would express some strong opinion upon the subject. It was not his intention to divide upon the present occasion, because, if he did, he would probably go with only a baker's dozen into one of the lobbies. But he wished to point attention to the fact, that they were allowing enormous sums to be squandered, and that there was no knowing when the Minister would come down to the House and ask for increased votes. There was, in addition to Buckingham and Windsor, the new palace at Westminster, upon which 2,000,000*l.* had already been spent. They were erecting a hideous gallery in the House of Lords for the reporters; and they would not be able,

after all their expenditure, to hear one word in the new House of Commons. He objected to the item of 4*l.* 14*s.* in the votes for keeping up the Palace Court, and he must enter his strong protest against that court in any and every shape. All the details of these palaces were given in separate votes; but he thought it would be a great improvement, and that it would tend to put hon. Members on their guard, if the aggregate amount expended upon these buildings figured in the Votes also. He attributed no fault to the Government for the heavy estimates they were bringing forward; but he called upon the House to put a stop to the profuse expenditure which was perpetually going on.

The CHANCELLOR OF THE EXCHEQUER said, with regard to the expenditure on Windsor Castle, he would not enter into any defence of it, as his hon. and gallant Friend would admit, that, when they had a building, it was indispensably necessary, if they would save money, to keep it in repair. It was a remarkable fact that there was no drainage in Windsor Castle, nor was there any apparatus to supply it with fresh water. Neither did he suppose his hon. and gallant Friend would object to taking the ordinary precautions to prevent fire. With regard to the rest of the expenses, they were for ordinary repairs; and his hon. and gallant Friend must know, being himself a housekeeper, that it was bad economy not to keep a house in repair.

MR. SLANEY had been told by an eminent engineer, that the drainage in Windsor Castle was absolutely necessary, and that the inhabitants of Windsor were much interested in its being executed.

SIR DE LACY EVANS complained that the barracks at Windsor were in a deplorable state with regard to drainage, though he had seen no item in the votes to remedy the defect.

The CHANCELLOR OF THE EXCHEQUER: That belongs to the Ordnance estimates.

Vote agreed to.

The next vote was 14,200*l.* to defray the expense of enlarging and improving Buckingham Palace.

MR. B. OSBORNE asked if there was any estimate of the furniture wanted for the palace?

The CHANCELLOR OF THE EXCHEQUER hoped the answer he had to give would be extremely satisfactory to his hon. and gallant Friend. The public would be put to no expense whatever for furniture.

MR. B. OSBORNE was delighted to hear that. As he was on his legs, he might ask what was to be done with the marble arch? That arch had originally cost 80,000*l.*, and a charge had since been made for taking it down.

The CHANCELLOR OF THE EXCHEQUER said his hon. and gallant Friend had at last asked a question which puzzled him to answer. He could not tell what was to be done with the arch. It was quite clear it could not stand where it was, and where it was to be put he did not know.

Vote agreed to.

The CHANCELLOR OF THE EXCHEQUER here intimated that he would postpone the main vote for the new palace at Westminster till certain papers were produced.

On a vote for 3,284*l.* for the temporary accommodation of the Houses of Parliament,

MR. B. OSBORNE said, the House, perhaps, was not aware that on these temporary buildings they had already spent 200,000*l.* The charge for ventilation was 20,000*l.*; and he observed Mr. Justice Wightman complaining the other day that he could not sit in his court owing to the defective system of ventilation. The House of Commons was, under all the circumstances, pretty well ventilated; but still he thought that 20,000*l.* was a large sum to pay for it. He observed that the Fine Arts Committee cost 6,000*l.*, and he wished to ask the members of that Fine Arts Committee if they were aware of that hideous gallery which was now in course of erection in the House of Lords, which he supposed the country must pay for?

Vote agreed to, as was also

A vote of 45,771*l.*, for the new packet harbour at Holyhead.

On a vote for 141,500*l.*, to defray the expenses of harbours of refuge, being proposed,

MR. MILNER GIBSON said, he wished clearly to understand whether these harbours were for military or commercial purposes. He had heard it doubted whether the works at Dover could be of any use to merchant vessels. Indeed, the French regarded them as military defences.

MR. ROBINSON, as chairman of Lloyd's, thanked the Government for constructing them.

SIR J. TYRELL thought that the onus

of proving the use to which these harbours were to be applied, lay with the right hon. Member for Manchester, and his friends. For his part, he should be disposed to call these works "pacific arbitration harbours."

The CHANCELLOR OF THE EXCHEQUER observed, that in his examination before the Miscellaneous Estimates Committee last year, he had stated that these harbours had been constructed on the recommendation of the shipping interest, and that they had been approved of by that interest.

Vote agreed to, as was also a vote of 10,000*l.* for the Caledonian Canal.

On a vote of 24,233*l.* for maintaining public buildings in the department of the Commissioners of Public Works in Ireland, and on account of inland navigation,

MR. SPOONER moved the reduction of the vote by the sum of 1,226*l.*, the amount appropriated on account of Maynooth College.

The CHANCELLOR OF THE EXCHEQUER observed that a certain sum had been voted for additional buildings; but that provision for the repairs of the old building could only be made by an annual vote.

Afterwards Motion made, and Question put—

"That a sum, not exceeding 23,007*l.*, be granted to Her Majesty, to defray the Expense of maintaining the several Public Buildings in the Department of the Commissioners of Public Works in Ireland; also the Expense of Inland Navigation and other Services, under the direction of the said Commissioners, to the 31st day of March 1850."

The Committee divided: — Ayes 27; Noes 96: Majority 69.

List of the AYES.

Alcock, T.	Hill, Lord E.
Anderson, A.	Hindley, C.
Arkwright, G.	Jolliffe, Sir W. G. H.
Benett, J.	King, hon. P. J. L.
Buck, L. W.	Knox, Col.
Cole, hon. H. A.	Lockhart, W.
Dod, J. W.	Martin, J.
Drummond, H.	Neeld, J.
Duncan, G.	Plowden, W. H. C.
Fergus, J.	Sidney, Ald.
Fordyce, A. D.	Tyrell, Sir J. T.
Fox, W. J.	Wyld, J.
Galway, Visct.	TELLERS.
Goring, C.	Beresford, W.
Heyworth, L.	Spooner, R.

List of the NOES.

Armstrong, Sir A.	Blackall, S. W.
Baines, M. T.	Bowles, Adm.
Baring, rt. hon. Sir F. T.	Boyle, hon. Col.
Bellew, R. M.	Brotherton, J.
Berkeley, hon. Capt.	Brown, W.
Burke, Sir T. J.	Littleton, hon. E. R.
Cardwell, E.	Mackinnon, W. A.
Clements, hon. C. S.	Magan, W. H.
Clerk, rt. hon. Sir G.	Mahon, Visct.
Clifford, H. M.	Mangles, R. D.
Cobden, R.	Maule, rt. hon. F.
Davie, Sir H. R. F.	Milnes, R. M.
Dawson, hon. T. V.	Mulgrave, Earl of
Denison, E.	O'Connell, M.
Divett, E.	O'Connor, F.
Dundas, Adm.	O'Flaherty, A.
Dunne, F. P.	Ogle, S. C. H.
Ellis, J.	Palmerston, Visct.
Elliot, hon. J. E.	Parker, J.
Estcourt, J. B. B.	Pechell, Capt.
Evans, W.	Peel, rt. hon. Sir R.
Foley, J. H. H.	Philips, Sir G. R.
Fortescue, hon. J. W.	Power, Dr.
French, F.	Robinson, G. R.
Gibson, rt hon. T. M.	Romilly, Sir J.
Gladstone, rt. hon. W. E.	Russell, Lord J.
Glyn, G. C.	Russell, F. C. H.
Goulburn, rt. hon. H.	Rutherfurd, A.
Grace, O. D. J.	Shelburne, Earl of
Greene, T.	Sheridan, R. B.
Grenfell, C. P.	Slaney, R. A.
Grenfell, C. W.	Smith, J. A.
Grey, rt. hon. Sir G.	Smith, J. B.
Grey, R. W.	Somerville, rt. hn. sir W.
Guest, Sir J.	Stansfield, W. R. C.
Hallyburton, Ld. J. F. G.	Tenison, E. K.
Hawes, B.	Thicknesse, R. A.
Hayter, rt. hon. W. G.	Thompson, Col.
Henry, A.	Thornely, T.
Herries, rt. hon. J. C.	Townshend, Capt.
Hervey, Lord A.	Verney, Sir H.
Howard, Lord E.	Willyams, H.
Howard, hon. C. W. G.	Wilson, M.
Humphery, Ald.	Wood, rt. hon. Sir C.
Jermyn, Earl	Wood, W. P.
Jervis, Sir J.	Wyvill, M.
Labouchere, rt. hon. H.	
Lascelles, hon. W. S.	TELLERS.
Lemon, Sir C.	Tufnell, H.
Lewis, rt. hon. Sir T. F.	Hill, Lord M.

Original Question put, and agreed to.

A vote of 9,550*l.* on account of the works and repairs of Kingstown harbour was also agreed to, as was a vote of 93,200*l.* as salaries and retiring allowances of officers of the two Houses of Parliament.

On a vote of 57,200*l.* for the salaries and expenses connected with the department of Her Majesty's Treasury,

MR. GOULBURN objected to the principle upon which the reductions in this vote had been made, contending that no real economy could be effected by reducing the salaries of the superior officers. In the present instance, such a curtailment could only tend to impair the efficiency of the department. Whilst on this subject, he could not refrain from drawing attention to an act of generosity on the part of a Member of Her Majesty's Government. By a Parliamentary paper, which had been

laid on the table of the House, it would be seen that compensation had been awarded to those clerks of the old county courts who had been displaced upon the passing of the Act of Parliament establishing the new courts. It appeared that the hon. Gentleman who formerly held the office of Secretary to the Treasury, and was now the Secretary to the Admiralty, had been displaced from a *quasi* freehold office, and that he had foregone the receipt of a sum of 1,200*l.* a year, awarded to him as compensation under the Act. He (Mr. Goulburn) thought it only right to mention an act of liberality on the part of the hon. Gentleman, which might have escaped general notice.

The CHANCELLOR OF THE EXCHEQUER thanked the right hon. Gentleman for his kind mention of his Colleague. With respect to the reduction in the amount of the vote, all he could say was, that it had been resolved on after ample communication with those best qualified to form an opinion as to what would render the office efficient.

MR. HENLEY contended, that as the Legislature by its policy had cut down the prices of everything in this country, it was unjust to retain the present scale of salaries to officers of State. He moved the reduction of the vote by 5,040*l.*, which he thought a very moderate proposal.

MR. DRUMMOND had paid great attention to all the discussions which had taken place last year, and during the present Session, on these questions of expenditure and estimates; and his deliberate conviction was that hon. Gentlemen had not succeeded in reducing useless expenditure so much as they might have done, because they had encumbered themselves with minute points of detail—in point of fact, making themselves the Executive, instead of leaving the Government to arrange the details of reduction in the best way they could. He was satisfied that the only effectual mode in which reductions could be properly made was by the Administration itself undertaking to effect them; and the only way for the House to secure that object was by agreeing to some such resolution as he (Mr. Drummond) had put on the Paper, the substance of which was that we could not afford to pay so much any longer; but whether it should be this person's or that person's salary that should be reduced, was a matter of perfect indifference to the country, and one that should be left for the Government itself to decide. He was sure that the public business had increased to such an extent as to require more public servants than formerly sufficed, and that was particularly the case in the higher departments. His only objection to this vote was, that it was part of a system requiring amendment; and the House ought to declare that, for the reasons alleged by the hon. Member for Oxfordshire, and many others, the present amount of public burdens could not be endured any longer. Much retrenchment must be made in every department; and even if this Motion, which he intended to support, should be carried, it would be only as a drop in the ocean.

COLONEL THOMPSON said, he did not see why, at the time when there was something like a national jubilee in consequence of their ceasing to pay a great deal more than was necessary for articles of consumption, Her Majesty's servants, of all men, should be excepted, and should give up their chance of a participation in the same. He could not agree to help to authenticate the principle advanced by the mover of the Amendment. The general diminution of prices had surely been a benefit to all, except those who had previously profited by the enhancement of prices; and if some had lost by the removal of the system, others had gained, and the general gains were more than the general losses. This was certainly nothing like a reason why they should begin by reducing the salaries of Her Majesty's servants. As had been said by the Cornish vicar on the occasion of a wreck, "Let us all start fair;" and let us not begin by an invidious attempt at reduction in one department alone. Wherever there was a feasible ground for reduction, he would be found voting for it; but not thinking this a just occasion, he hoped he should not be blamed if he voted against the Amendment.

MR. F. O'CONNOR would ask what the people out of doors would say, when they saw that those who, like the hon. and gallant Gentleman who last spoke, were most enthusiastic on the public platform as financial reformers, were the first in that House to object to begin retrenchment by cutting down the salaries of Her Majesty's Ministers? In his (Mr. O'Connor's) opinion Her Majesty's Ministers were the fittest cases to commence the system with; and he should vote with all his heart with the hon. Member for Oxfordshire, to whom he felt bound to pay this just tribute of com-

mendation, that the working classes of this country had not a better or more sincere Friend in that House, or one whose measures generally, if carried out, would tend more to their benefit.

Mr. SLANEY did not think the present scale of prices would be of permanent duration; and, therefore, he thought it would be better to wait some time longer before they thought of adjusting the salaries of the officers of the Government to a standard of prices which they did not know would continue. Besides, considering the greatly increased work which Her Majesty's servants had now to perform, he did not think they were paid a farthing too much.

The CHANCELLOR of the EXCHEQUER said, the salaries in question had been inquired into on two very recent occasions, and now stood at the amounts which two separate Committees of the House had fixed upon. In 1831, Lord Ashburton moved for and obtained a Committee on the salaries of the higher officers of the Government; and a considerable reduction was made at that time in the salaries of many officers. The same question was inquired into last Session by the Committee on the Miscellaneous Estimates, when a proposal was made to reduce the salaries of the First Lord of the Treasury and the Chancellor of the Exchequer; but the Motion was only supported by two votes, while there were eleven against it; and, strange to say, the hon. Member for Oxfordshire was himself among the number of those who opposed the reduction. He (the Chancellor of the Exchequer) agreed with what had been said the other night by the hon. Member for the West Riding of Yorkshire, namely, that he did not think that persons in the public service were generally overpaid—

Mr. COBDEN: I beg your pardon. I was speaking of the officers of the Army and Navy, and I said that those on active service were not overpaid, but that we had too many of them.

The CHANCELLOR of the EXCHEQUER had thought the hon. Gentleman alluded to public servants generally. However, he (the Chancellor of the Exchequer) entertained the strongest feeling that the permanent servants of the public, in the different offices, speaking generally, were not an overpaid body of men; and he could not adduce a better proof of the assertion, than to mention the fact that parties were frequently tempted to leave the public service by the superior advantages often offered by private service.

Alderman SIDNEY thought the Motion of the hon. Member for Oxfordshire went in the right direction, and should support it, as satisfactory to his own feelings, and only what was just to his constituents. The proposed reduction was perfectly justified by the reduced prices of articles of general consumption, such as tea, sugar, and other necessaries of life, which had fallen from 20 to 25 per cent, as the result of their recent legislation. Experience proved that low prices did not benefit any one class of the community; and he could speak from his own knowledge, that they were anything but advantageous to the commercial classes. They had increased local and national taxation to an extent rendering measures of economy and retrenchment indispensable for the relief of the country. The Government themselves ought certainly not to vote on a Motion like this, relating to their own salaries. It was entirely a question which the private Members of the House ought exclusively to be left to decide.

Mr. HENLEY observed, that he had studiously avoided saying that any one class of public servants in particular were overpaid; but if he must give an opinion on the subject, he must say that he considered the Chief Lord of the Treasury, the Chancellor of the Exchequer, and the Chief Secretaries of State, were the worst paid of all Her Majesty's principal public servants. But still he considered his Motion one that was founded upon justice, and such as the public would generally approve of.

Mr. HENRY supported the reduction, because he considered it unfair to reduce the salaries of the subordinate officers, and yet to leave the salaries of the higher officers of the Government to stand just as they were. For the same reason he must strongly condemn the report of the Committee on the Miscellaneous Estimates, who had not dealt with the higher salaries as they had done with the inferior ones.

Sir J. TYRELL, as an old Member of the House, remembered that the cry for economy and retrenchment in 1831, which had been alluded to by the Chancellor of the Exchequer, was a mere party movement, and that the diminution of expenditure was the every-day stalking-horse of the noble Lord now at the head of the Government, who at that time sat at that (the Opposition) side of the House. With

regard to the Amendment before the House, he would cordially support it, seeing the generally depressed state of the country, and particularly of the agricultural interest, especially in the south of England and in Ireland; and he felt greatly indebted to the hon. Member for Oxfordshire for proposing to test the sincerity of the Manchester school's professions of love of economy.

MR. GOULBURN observed that the hon. Gentleman who proposed this reduction said he did so because a general reduction of prices to the extent of 25 per cent having taken place, the salaries of gentlemen in office ought to be somewhat proportionately reduced. If such a reduction in prices really had taken place, he (Mr. Goulburn) could only say for himself that he had not yet experienced the benefits of it. But how had this reduction been effected? Why, by taking off the duties on articles of general consumption, and imposing an income tax on other classes of the community. Therefore it should be remembered that if the persons receiving salaries now wished to be reduced had benefited by the reduced prices, they had had, at the same time, to pay an income tax as compensation for these low prices; and it would not be fair to overlook that circumstance when proposals for reducing their salaries were brought forward.

MR. BUCK would support the Motion, because he considered the general depression and discontent were never so great in the country as they were at the present moment. The period had therefore arrived when propositions like those of his hon. Friend the Member for Oxfordshire ought to receive the earliest attention of Parliament. As a representative of one of the largest counties in the kingdom, he was sure that the public would feel greatly indebted to the hon. Gentleman for introducing it.

MR. BROTHERTON, if he had any influence with Her Majesty's Government, would recommend them voluntarily to accept the proposed reduction. At the same time, if it were proposed that there should be a general reduction in the salaries of public servants, he would cordially vote for it; but he considered it unjust and invidious to pick out particular salaries, here and there, and subject them alone to reduction.

MR. SPOONER begged to make a remark with reference to the observation of the right hon. Gentleman the Member for Cambridge University, that the income tax was equivalent to the reduction that had been effected in the price of articles of consumption. He would remind him that the income tax was in existence before the year 1846. The Government had by their policy reduced every man's income; they had called upon every class of society to submit to reductions; but they who had done this were the only persons who had escaped the effects of those measures. In common justice they were bound to reduce the salaries of all the officers of State; and the only fault he found with his hon. Friend's Amendment was, that it did not go far enough.

MR. COBDEN wished to state the reasons why he should support the Amendment, inasmuch as they were not the same as those given by hon. Gentlemen opposite. Hon. Members opposite had supported it on the ground that a great reduction had taken place in the price of commodities, and they attributed that reduction to recent commercial legislation. He would remind the House that if recent commercial legislation had affected the price of corn, it had not affected the price of manufactures. Cotton and woollen goods were, previous to that legislation, sold cheaper here than in any country on the face of the earth; otherwise they could not have been exported to all parts of the world. The recent commercial legislation had been of very great advantage to the community which he represented, and had so far rendered them better able to pay these salaries. He wished to guard himself against being supposed to give a kind of vindictive vote against the Government. The tone of hon. Gentlemen opposite indicated that they wished to take revenge against the Government for their commercial policy; but for his own part, his vote would be given on the same grounds as it would have been five years ago. He was of opinion that the higher functionaries in the civil departments were paid more than they need be. He was not, indeed, for paying low salaries; nor was he one of those who thought that cheap bread meant low wages; but he must say that when a Minister received 5,000*l.* a year, there was room for reduction, while an ample sum was left to maintain the state, rank, and dignity of those great officers. He would undertake to say that it was more than double the amount paid to any similar functionary in any country in the world;

and Ministers of State abroad did not, he believed, find any difficulty in discharging the duties of their offices. One of the advantages which he contemplated would result from putting their highest functionaries on lower salaries was this, that they would probably afterwards set the fashion here, in imitation of that of other countries, of adopting a greater simplicity of habit of living, so as to be able to indulge in hospitality at a less extravagant rate. If the salary of 5,000*l.* a year were reduced to 4,000*l.*, he thought the amount would still be very high, and he did not think any man, whatever might be his private fortune, would be precluded from filling those offices. The filling of the office of Secretary of State did not necessarily involve any great additional expenditure on the part of the individual; on the contrary, the man who had almost incessant occupation had but little time for extravagance. The mode in which the hon. Gentleman the Member for Oxfordshire proposed to save this 5,040*l.*, was one of which he (Mr. Cobden) could not approve. It would not be fair to strike 10 per cent off the whole of the salaries. In the Treasury there were a great number of clerks, receiving 150*l.*, 146*l.*, and 109*l.* a year; and in the same establishment there were messengers receiving 70*l.* With such salaries he would on no account deal in the same manner as with salaries of 5,000*l.* And if the Amendment were carried, he would certainly propose that the saving should be distributed in a manner different from that proposed by the hon. Gentleman. The country was indebted to the hon. Gentleman for facing the Government as he had done, by moving a reduction of their salaries; and if the Amendment were carried, the reduction effected would, he believed, lead to corresponding reductions in other departments. If the First Lord of the Treasury had not 5,000*l.* a year, he would not, perhaps, get up in that House and say that he thought a bishop ought to have 10,000*l.* or 12,000*l.* a year. Other important reductioms might be expected to follow the reduction of the salaries of the Ministers of the Crown.

MR. SIMEON said, that it was not desirable that a question involving so important a consideration as general economy in the public expenditure should be brought forward in the spirit with which that Amendment had been introduced, and therefore he would vote against it.

Afterwards Motion made, and Question put—

"That a sum, not exceeding 52,160*l.* be granted to Her Majesty, to pay the Salaries and Expenses of the Department of Her Majesty's Treasury, to the 31st day of March, 1850."

The Committee divided:—Ayes 33; Noes 84: Majority 51.

List of the AYES.

Beresford, W.
Buck, L. W.
Clay, J.
Clay, Sir W.
Cobden, R.
Cubitt, W.
Drummond, H.
East, Sir J. B.
Ellis, J.
Fergus, J.
Fox, W. J.
Galway, Visct.
Gibson, rt. hon. T. M.
Greene, J.
Henry, A.
Heyworth, L.
Knox, Col.
Lacy, H. C.
Lockhart, W.
Lushington, C.
Martin, J.
Mitchell, T. A.
O'Connor, F.
Pechell, Capt.
Perfect, R.
Plowden, W. H. T.
Sidney, Ald.
Smith, J. B.
Stansfield, W. R. C.
Thicknesse, R. A.
Tyrell, Sir J. T.
Walmsley, Sir J.
Wyld, J.

TELLERS.

Henley, J.
Spooner, R.

List of the NOES.

Anson, hon. Col.
Armstrong, Sir A.
Armstrong, R. B.
Arundel and Surrey, Earl of
Baines, M. T.
Baring, rt. hon. Sir F. T.
Bellew, R. M.
Berkeley, hon. Capt.
Blackall, S. W.
Boyle, hon. Col.
Brotherton, J.
Brown, W.
Busfeild, W.
Clerk, rt. hon. Sir G.
Coke, hon. E. K.
Craig, W. G.
Crowder, R. B.
Dalrymple, Capt.
Davie, Sir H. R. F.
Denison, E.
Dundas, Adm.
Dunne, F. P.
Ebrington, Visct.
Elliot, hon. J. E.
Evans, J.
Evans, W.
Foley, J. H. H.
Fordyce, A. D.
Fortescue, hon. J. W.
Freestun, Col.
Goulburn, rt. hon. H.
Grace, O. D. J.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Guest, Sir J.
Haggitt, F. R.
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Heywood, J.
Howard, Lord E.
Jervis, Sir J.
Labouchere, rt. hon. H.
Lascelles, hon. W. S.
Lewis, G. C.
Littleton, hon. E. R.
Magan, W. H.
Mangles, R. D.
Maule, rt. hon. F.
Monsell, W.
Morison, Sir W.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
O'Connell, J.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Power, Dr.
Rich, H.
Romilly, Sir J.
Russell, Lord J.
Russell, F. C. H.
Rutherfurd, A.
Shafto, R. D.
Sheil, rt. hon. R. L.
Simeon, J.
Slaney, R. A.
Smith, J. A.
Somerville, rt. hn. Sir W.
Tenison, E. K.
Thompson, Col.
Thornely, T.
Townley, R. G.
Verney, Sir H.
Villiers, hon. C.
Willyams, H.
Wilson, J.
Wood, rt. hon. Sir C.
Wyvill, M.

TELLERS.

Tufnell, H.
Hill, Lord

Original Question put, and agreed to.

On the vote of 25,400*l.* being proposed, to pay the salaries and expenses of the Home Department,

MR. COBDEN asked the hon. Member for Oxfordshire whether he meant to persevere in his proposal for reduction with regard to other departments? Had notice been given, many other hon. Members would, he believed, have supported the hon. Member. It would evidently be useless to propose reductions then; but he would suggest that a Motion should be brought forward embracing all departments.

MR. HENLEY said, he had endeavoured to express to the Committee that his object in making the Motion with regard to the Treasury, was to lay down a general principle. With respect to giving notice of his Motion, the miscellaneous estimates had come on much sooner than he had anticipated, or he should have given notice of his Amendment. He believed the principle laid down by him to be a just one; but of course he would not ask the Committee to divide on every item. That, however, would not preclude him, or any other Member, from again bringing forward the matter.

Vote agreed to, as also the following: 76,000*l.* for the payment of the salaries and expenses of the Foreign Office; 36,900*l.* for payment of the salaries and expenses of the office of the Secretary of State for the Colonies; 43,000*l.* for payment of the salaries and expenses of the Privy Council Office and Office of Trade; 2,000*l.* for the Lord Privy Seal; 23,900*l.* to pay the salaries and expenses of the office of Paymaster General; 6,626*l.* to pay the salaries and expenses of the office of the Comptroller General of the Exchequer; 2,700*l.* to defray the salaries and expenses of the State Paper Office; 3,540*l.* to defray a portion of the expenses of the Ecclesiastical Commission of England.

It was next proposed that a sum of 240,000*l.* should be voted to defray the expenses connected with the administration of the laws relating to the poor.

MR. HENLEY observed an increase in the vote with respect to which he asked for an explanation. Where a sum of 103,000*l.* was voted last year, it was now proposed that a sum of 107,000*l.* should be granted.

MR. BAINES observed, that the increase from the sum of 103,000*l.* to 107,000*l.* applied to the three commissions—the English, Irish, and Scotch—and the whole of the increase applicable to England was 850*l.* In the early part of the last year, his right hon. predecessor was of opinion that eleven inspectors would be sufficient for discharging the duties of that department; but about the summer he came to the conclusion that thirteen would be necessary, and subsequent experience showed that his conclusion on that subject was correct. The addition of two inspectors, at 500*l.* a year each, made 1,000*l.*; but the total increase was only 850*l.*

CAPTAIN PECHELL was happy to say, that since the change which took place some few years ago, owing to the result of the inquiry in the Andover union, he had reason to believe a totally different system was adopted.

MR. F. FRENCH objected to the item of about 63,000*l.* charged for the expense of the Irish Commission. The House would recollect that when the present poor-law was introduced into England, the expense did not exceed 30,000*l.* a year; and why, then, should this enormous expense be incurred for forcing upon Ireland a law not suited to her? He found that the office of architect to the commission was still kept up in Ireland, and that the architect received 800*l.* a year, his assistant, 300*l.*, besides a sum for travelling expenses. He begged to move, that the sum be reduced 30,000*l.*

MR. HENLEY called attention to the fact that the salaries of the inspectors cost the country 8,100*l.* a year; but besides that, for travelling and incidental expenses, there was charged for those gentlemen about 2*l.* a day. They were paid salaries, amounting to 750*l.* in some cases, and 500*l.* in others; but the sum charged for travelling and incidental expenses came to more than the salary. That was more objectionable than anything in the Irish charges. It would be satisfactory to have some explanation with respect to the travelling charges of the inspectors.

MR. BAINES stated the duties of the inspectors to be almost constantly travelling about the country, and he believed that the sum of 10,000*l.* represented very fairly the travelling expenses of the thirteen inspectors.

SIR W. SOMERVILLE said, that additional labour had been thrown upon the commissioners during the last few years, which had rendered it necessary to increase the number of clerks employed in

the office, and also to increase the salaries of some of the officers. With respect to the architect who had been employed in Ireland, he did not believe that gentleman was deserving of the censure which had been bestowed upon him by some hon. Members.

Alderman SIDNEY did not think the explanation of the right hon. Gentleman, the Chief Poor Law Commissioner, was satisfactory with respect to the travelling expenses of the inspectors. If the whole of the thirteen inspectors had been engaged in travelling every day of the year, the amount allowed to them would be not less than 2*l.* 10*s.* per day. He should like to know at what rate they were paid for their travelling expenses.

Mr. BAINES stated, the expenses allowed were the actual expenses of the inspectors, and he had no doubt whatever but that the sum charged was correct.

Mr. WYLD thought the allowance for the salaries of medical officers was not sufficiently large. A sum of 150,000*l.* only was allowed for medical attendance upon nearly 6,000,000 of people. He hoped that some measure would shortly be introduced for increasing the salaries of the medical officers of the poor-law unions.

Mr. SLANEY wished to know the number of industrial schools established in connexion with the poor-law unions?

Mr. BAINES, in consequence of the hon. Member not having given notice of his questions, was unable to state the exact number of these schools. The attention of the Poor Law Commissioners had been drawn to the subject; and he was happy to say, that in some of the unions connected with the city of London persevering and energetic efforts were being made to bring about an improvement in the state of education in the pauper schools.

Mr. J. O'CONNELL thought that the effect of reducing the amount of the vote would be to throw an increased burden upon the poor-rates of Ireland. He should prefer, considering that they had paid for the constabulary, which was not exclusively employed as a police force in Ireland, upwards of 300,000*l.*, that one-half of the expenses of the medical officers, together with the salaries of the schoolmasters and mistresses, should be defrayed out of the Consolidated Fund, as in England.

Sir W. SOMERVILLE begged to inform the hon. Member that the salaries of the schoolmasters and mistresses and one-half of the salaries of the medical officers, amounted together in England and Scotland to only 120,000*l.*, whereas the sum voted towards the Irish constabulary was 500,000*l.*

Afterwards Motion made, and Question put—

"That a sum, not exceeding 210,000*l.*, be granted to Her Majesty, to defray Expenses connected with the administration of the Laws relating to the Poor, to the 31st day of March, 1850."

The Committee divided. Mr. French was appointed one of the Tellers for the Yeas; but there being no other Member to be a second Teller for the Yeas, the Chairman declared that the Noes had it.

Original Question put, and agreed to.

The next vote proposed was a sum of 45,694*l.* to defray the expenditure of the several branches of the Mint.

Mr. THORNELY wished to know when it was the intention of the Government to issue the two-shilling pieces in the new silver coin, and which it was understood was to form a portion of the new system of decimal coinage?

The CHANCELLOR of the EXCHEQUER stated that measures had been taken to bring out the new coin, but it had been found necessary to have an Act of Parliament to legalise its issue, and he had placed a notice on the Paper for leave to bring in a Bill upon the subject.

Captain PECHELL thought that the regulations respecting the distribution of medals required to be reconsidered.

Sir F. T. BARING was not prepared to say that the whole question ought again to be reopened; there were some cases, however, which the Board of Admiralty had thought it necessary to reconsider.

Mr. SPOONER wished to know whether it was the intention of the Government to act upon the recommendations contained in the report of the Committee on the subject of the management of the Mint?

The CHANCELLOR of the EXCHEQUER stated, that the subject was under consideration, but it was impossible to decide at once upon the subject.

Vote agreed to.

The sum of 7,996*l.* was proposed to defray the charges of the office of the Commissioners of Railways.

Mr. HENLEY admitted, that the vote under this head was very satisfactorily decreased. It was rather out of curiosity

than for any other reason, that he would ask the meaning of one item in this vote of 60*l.* for newspapers, an item not occurring in the charge for any other public department. Was it that the officials in this department had so peculiarly nothing to do that newspapers were to be provided for their entertainment?

MR. LABOUCHERE said, that his attention had not been especially drawn to the item in question, but he conceived that the newspapers supplied were those railway journals the contents of which were expedient, if not absolutely necessary, for the administration of the department. As to the vote itself, it exhibited a very material reduction upon that of the previous year, which was 10,600*l.*, while the charge in the first year of the Board was 17,000*l.*

Vote agreed to, as were the following:

12,822*l.* for the Record Office.

11,879*l.* for the inspectors of mines, factories, &c.

1,755*l.* for the salaries of certain officers in Scotland, and other charges formerly paid out of the hereditary revenues of that kingdom.

6,464*l.* for the officers and attendants of the household of the Lord Lieutenant of Ireland.

24,235*l.* for the salaries and expenses of the Chief Secretary of the Lord Lieutenant of Ireland in Dublin and London, and the Privy Council in Ireland.

5,596*l.* for the charge of the office of paymaster of civil services, Ireland.

39,562*l.* for the salaries and expenses of the board of public works, Ireland.

39,000*l.* for foreign and other secret service.

277,762*l.* for the expenses of stationery and printing and binding in the several public departments, including the charge of Her Majesty's Stationery Office.

In relation to this vote,

MR. COBDEN asked whether there would be any objection to change the form of the blue books from folio to octavo. The change would be to the infinite convenience of every person who had to handle the volumes, and he was prepared to show that there would be a saving of from 20 to 30 per cent effected by the alteration. There was already before them one blue book in the octavo form, a report of the Sanitary Commission, which distinctly illustrated the greater convenience of that form. As to statistical tables, they could be given just as well in the octavo as in the folio form; this was proved by the elaborate tables given in the octavo volumes of M'Culloch, Porter, and other statistical writers.

The CHANCELLOR OF THE EXCHEQUER said, that the greater economy of the octavo form was disputed.

MR. COBDEN said, he would prove the economy he had stated before a Committee, if the right hon. Gentleman would give him one for a fortnight.

Vote agreed to, as were the following:

16,000*l.* to complete the sum necessary to defray law charges, and the salaries, &c., in the office of Solicitor to the Treasury.

9,000*l.* for the prosecution of offenders against the laws relating to coinage.

17,700*l.* for expenses of sheriffs, formerly defrayed out of civil contingencies; also for the amount required to make good the deficiency in the fees of the Queen's Remembrancer in the Exchequer, and for other purposes.

10,370*l.* for the salaries and expenses of the Insolvent Debtors' Court.

73,730*l.* for law expenses and criminal prosecutions in Scotland.

63,991*l.* for expenses of criminal prosecutions and other law charges in Ireland.

35,500*l.* for metropolitan police of Dublin.

258,000*l.* to defray certain charges formerly paid out of the county rates for prosecutions at assizes.

702,523*l.* was then proposed for prisons and convict services at home and abroad.

MR. HENLEY said, that it was difficult, in the present form of the estimates, to draw any correct opinion as to how far the expense incurred in the county gaols applied to persons under sentence of transportation. He also wished to advert to one item of 17,132*l.*, which was charged for the expense of confining and maintaining 674 male convicts in county gaols in Great Britain under sentence of transportation, until otherwise disposed of. He wanted to know whether the expense of maintaining these convicts was greater or less per head than the expense per head at Pentonville, Millbank, and the new establishment at Portland?

SIR G. GREY said, that the difference in the form of the estimates arose from following out the recommendation of the Committee on Miscellaneous Estimates which sat last Session. Part of these expenses were set in the colonial estimates, and part in other estimates which did not afford the proper opportunity for reference

and comparison. Assistance had been obtained from the Paymaster General's office, and with the aid of a very excellent officer, Mr. Atkinson, the fullest information had now been afforded to Parliament of the particulars of the expenses incurred, as well as the aggregate expense. He admitted that the aggregate expense under this vote appeared greater than it had been; but there was a sum of 53,000*l.*, which had been transferred to these estimates from the Navy estimates, for the conveyance of convicts abroad. There was also a charge of 25,000*l.* for conveying convicts from Ireland, which formerly never came under the consideration of Parliament at all, but was now placed under this head. With regard to the sum of 17,132*l.* for the 674 male convicts in county gaols under sentence of transportation, there was no doubt very considerable difference between one prison and another in the expense of maintaining convicts in this stage of their punishment. The whole matter was now in the course of revision, and he hoped that the expenses would be brought nearer a footing of equality.

Mr. HENLEY observed, that there was another extravagant item of 3,840*l.* for the expense of confining and maintaining 111 criminal lunatics in Bethlem Hospital. He saw no reason why there should be a higher rate of charge for keeping these persons in safe custody than was made at Hanwell, or any other well-conducted establishment.

Sir G. GREY said, that a reduction had taken place this year in the expense of maintaining these lunatics; but there was a greater expense in taking the charge of criminal lunatics than of the lunatics confined at Hanwell. Many of those confined in Bethlem had committed very grave offences, and they required more care and more watchful superintendence than ordinary lunatics.

Vote agreed to.

The next vote was 125,000*l.* for Public Education in Great Britain.

Mr. HENLEY said, that some remarks had been made upon the management of this fund on the part of the Committee of Privy Council on Education. The hon. Gentleman who opposed the vote last year might probably raise the question again, as there was a feeling abroad that this grant was not fairly administered by the Government. He would not go more at length into the matter now, as he believed that it was not expected that it would come on to-night; but he reserved to himself the right of making such observations, and taking such a course hereafter, as he thought fit.

Vote agreed to.

On a sum of 120,000*l.* being proposed to defray the expenses of the Commissioners of National Education, Ireland,

Mr. GROGAN observed, that a notice had just been issued that early in this month the Commissioners of Education would publish two volumes of poetry, which they had prepared, from Chaucer down to the latest period, for the use of pauper children. He thought that the money spent in this manner might have been more usefully employed. It might have been devoted to the establishment of agricultural schools, or in procuring schoolmistresses to teach the female children embroidery work, which was very beautiful, and found a ready sale.

Vote was then agreed to, as were also the following votes:—

10,000*l.* for Schools of Design.

2,006*l.* for the salaries of Professors in the Universities of Oxford and Cambridge.

4,000*l.* for the University of London.

7,480*l.* for grants to Scottish Universities.

300*l.* for the Royal Irish Academy.

300*l.* for the Royal Hibernian Academy.

6,000*l.* for the Royal Dublin Society.

3,100*l.* for the Royal Belfast Academical Institution, and for salaries of theological professors at Belfast.

36,288*l.* for the new buildings of the British Museum.

On a vote being proposed of 1,500*l.* on account of expenses incurred in procuring antiquities for the British Museum,

The CHANCELLOR of the EXCHEQUER, in reply to an inquiry from Mr. Grogan, said, that the grant was towards the expenses of continuing excavations in Assyria, and the transport of antiquities to England.

Vote agreed to.

On a sum of 1,500*l.* being proposed for the expenses of the National Gallery,

Sir W. JOLLIFFE inquired whether any vote was intended to be proposed for a building to contain the additional pictures, namely, the Vernon collection, which had lately been presented to the nation?

The CHANCELLOR of the EXCHEQUER replied, that he did not think himself justified, in the present condition of

the country, in proposing any vote which was not absolutely necessary. The object to be attained was a very desirable one, but he could not venture to propose such a vote this year.

Vote agreed to, as were the following votes:—

18,000*l.* for the geological survey and museum of practical geology.

5,000*l.* for magnetic observatories abroad, and scientific works and experiments at home.

2,800*l.* for completing the Nelson monument in Trafalgar-square.

4,049*l.*, for the civil establishment at Bermuda.

2,000*l.* for the civil establishment of Prince Edward's Island.

On a vote of 11,578*l.* being proposed for the ecclesiastical establishment of the British North American provinces,

MR. J. B. SMITH strongly objected to it. When it was considered that this charge was made for a religious sect, which comprised only one-fifth of the population of Canada, he thought he had good ground for calling it an unjust vote, and he saw no reason why the people of this country should be saddled with the expense.

MR. HAWES said, that the grant was for the lives of the present incumbents, and expired with them. The grants were made in consequence of a distinct contract entered into by a former Secretary of State.

MR. J. B. SMITH was glad that he had elicited so satisfactory an answer.

Vote agreed to; as were the following votes:—

14,102*l.* for the Indian department, Canada.

290*l.* for the civil establishment of the Bahamas.

18,028*l.* for the salaries of governors in the West India colonies.

41,150*l.* for the salaries of stipendiary justices in the West India colonies and the Mauritius.

13,680*l.* for the civil establishments on the western coast of Africa.

16,940*l.* for charges connected with the Island of St. Helena.

7,379*l.* for Western Australia.

1,763*l.* for Port Essington.

On a vote of 20,000*l.* being proposed for the colony of New Zealand,

MR. J. B. SMITH remarked that he saw an item of 600*l.* for the Bishop of New Zealand. He wished to know whether this charge was put on the same footing as the charges for the ecclesiastical establishments of Canada, and whether it would die out with the life of the present bishop?

MR. HAWES could not say that this would be the case. The present charge on this country was owing to an arrangement which was made some years ago. At the same time he ought to inform the House, that the revenues of New Zealand were increasing so rapidly, that in a very short time he hoped the Government of New Zealand would take on itself its own charges.

MR. F. SCOTT observed, that there was a charge of 1,500*l.* for a colonial vessel. What was the meaning of that?

MR. HAWES replied that this item was for a steamer in which the governor visited the different ports of the colony, it being very important that he should have the means always at hand of doing so.

SIR W. JOLLIFFE remarked, that there was an item of 1,245*l.* for the chief secretary and his establishment. Perhaps the hon. Gentleman the Under Secretary for the Colonies would explain how much was for the colonial secretary, and how much for his establishment?

MR. HAWES did not know whether the colonial secretary had 600*l.* or 800*l.* a year, but it was one or the other. The rest went to his establishment. He begged to observe that 600*l.* was not the whole income of the bishop, although that was the whole amount of the charge borne by this country.

SIR W. JOLLIFFE said, that the lieutenant-governor had a salary of 800*l.* a year. What necessity was there for a lieutenant-governor as well as a governor of New Zealand?

MR. HAWES replied, that the governor of New Zealand resided at Auckland, in the north-eastern part of the island. It was thought desirable, therefore, that a lieutenant-governor should be appointed for the southern division of the colony. The island was about to be divided, in accordance with an Act of Parliament, which had been passed some time ago, into two provinces, for the purposes of representative government, and it was important that there should be a lieutenant-governor in one of them.

MR. CARDWELL expressed his satisfaction at hearing that the colony of New Zealand was likely to obtain representative institutions, and also to pay its own expenses. He must say that no colony in

the world was more fortunate than New Zealand, in having such a governor as Governor Grey, and such a bishop as Dr. Selwyn. Any payment which might have been made by this country to Bishop Selwyn had been more than repaid to the public treasury by the conspicuous services which he had rendered to the cause of order and good government in New Zealand.

Vote agreed to, as was a vote of 1,023*l.* for the establishment at Heligoland.

On a vote of 5,700*l.* being proposed to defray the charge of the Falkland Islands,

Mr. COBDEN objected to it as a most enormous charge. He should like the Under Secretary for the Colonies to inform them what was the population of the Falkland Islands. Was he exaggerating when he said it did not exceed 200? [Mr. Hawes: No.] Then here was a colony with a population of 200 souls, or he believed he should be nearer the mark if he said 160, costing 5,700*l.* a year for government. About 35*l.* a head for governing them! Why, they might bring the inhabitants to this country and support them here comfortably for less money. He asked, of what possible value could the Falkland Islands be to England? The climate was so bad that no one could live there, and "no ship ever touched at their inhospitable coast," as was said by Dr. Johnson many years ago.

Mr. HAWES could not assure his hon. Friend that this estimate would be altered, though he thought that it would be reduced. The Falkland Islands were not held simply for colonial or commercial purposes; but there were political considerations also in the matter. They were most valuable as a place of call for British ships.

Mr. COBDEN said, he understood, however, that British ships never did call there. He could not refrain from reading over the manner in which the money was expended in the government of those islands. There was a governor, 800*l.*; magistrate, 400*l.*; chaplain, 400*l.*; surgeon, 300*l.*; first clerk, 200*l.*; second clerk, 150*l.*; schoolmaster, 20*l.*; surveyor's department, 1,230*l.*; public works, 1,050*l.*; Guachos, 300*l.*; purchase of stores, freight of vessels, and incidental expenses, 1,100*l.*; rations, 750*l.*—in all, 5,700*l.* Really, if this country had more money than it knew what to do with—if it were the most flourishing nation in the world, it would be impossible to throw away its money in a more wanton manner than they were doing.

Vote agreed to.

On the vote of 25,000*l.* for the British settlement of Hong-Kong,

Mr. J. B. SMITH objected to the payment of 710*l.* 17*s.* for the ecclesiastical establishment in that colony.

Mr. HAWES said, if we for commercial, and highly commercial considerations, took possession of Hong-Kong, and sent people out there, it was not unreasonable that we should provide for their moral and spiritual instruction.

Mr. VERNON SMITH observed that the Governor of Hong-Kong received 6,000*l.* a year, and the colonial secretary and auditor, 3,301*l.* 10*s.*, whilst the same officers in New Zealand received only 2,500*l.* and 1,245*l.* Why should there be such a monstrous difference?

Mr. HAWES said, that some of the salaries had been reduced. It must be remembered, moreover, that the duties of the Governor of Hong-Kong were not merely confined to that settlement; but he was the superintendent of trade, and had to inspect the whole of the consular establishments of China, which rendered necessary the employment of a large and expensive staff; and, besides, he was our Plenipotentiary to the Chinese Government. It must be borne in mind also that the climate was an unhealthy one. In New Zealand the climate was singularly salubrious, but at Hong-Kong it was the reverse.

Sir W. JOLLIFFE thought, if Hong Kong was so insalubrious as the hon. Gentleman had stated, it would be easy to find some other place better adapted as regarded health for a settlement. He should like to hear some explanation with regard to the duties of the surveyor general, whose salary was very high, amounting to 2,050*l.* There was also a very large sum—namely, 9,135*l.* for police and gaols, which appeared to require explanation.

Mr. MITCHELL suggested the reduction of the salaries to at least one half—of the governor, the colonial secretary and auditor, the treasurer, the surveyor general, and the harbour master, 1,100*l.*

Mr. HAWES asked the hon. Gentleman at all events to wait till next year.

Mr. MILNER GIBSON would like to know how our trade was benefited by the possession of Hong-Kong. He had heard it said that it was not of the slightest advantage to England, and he took it upon

him to say that the United States would not have less trade with China for not having a Hong-Kong. The only benefit derived from it was obtained by those who got the places, and those who had the patronage at their disposal.

Vote agreed to.

On the vote of 9,827*l.* for the government of Labuan,

MR. COBDEN said, that this appeared to be a very similar case to that of the Falkland Islands. We took possession of a barren rock; assumed that there would be a large trade there; the trade did not come, but we planted an establishment there large enough for a great community. Here were the expenses—governor and commmander-in-chief, 2,000*l.*; lieutenant governor and magistrate, 1,375*l.*; master attendant and postmaster, 500*l.*; surveyor, 500*l.*; station surgeon, 416*l.* 13*s.* 4*d.*; governor's office, 487*l.* 10*s.*; lieutenant governor's office, 175*l.*; master attendant's department, 265*l.*; surveyor's department, 87*l.* 10*s.*; medical department, 100*l.*; police department, 420*l.* 16*s.* 8*d.*; public buildings and contingent charges, 3,500*l.*—in all, 9,827*l.* 10*s.* That was the charge last year, and it would be the same next year. Now, he would ask, what was Labuan for? Were the prospects such as to encourage a hope that there would be a large trade at Labuan? The fact was, that this was a most extraordinary case. It was to a piece of sentimentalism that we were indebted for Labuan. An adventurous gentleman sailed in his yacht in the Eastern Archipelago, and took a fancy to Sarawak. He got it ceded to him by the Sultan of Borneo, who was little better than a pirate, and he became the Rajah of Sarawak. By dint of puffing—sentimental puffing—he was said to go out to Christianise Borneo at Sarawak. He appointed himself first consul to himself; but that was not all. He took the little island of Labuan, which was 300 miles from Sarawak, and became appointed Governor of Labuan. As it was clear, however, that he could not possibly do both duties, a lieutenant governor was appointed to do his work for him at a salary of 1,375*l.* a year, and to govern an island where there was no population and no trade. He therefore asked whether Government intended to keep up the establishment at Labuan until it was ascertained whether there was any trade to that little island or not?

MR. HAWES said, that he was surprised at the statement of the hon. Member for the West Riding, as a memorial had been presented from the Chamber of Commerce at Manchester, and from Liverpool and Glasgow, urging on Government the settlement of Labuan. It was not from any feeling of sentimentality that Government had established the settlement. Mr. Brooke was a man singularly qualified from his influence in the island of Borneo to fill the station to which he had been appointed. When a distinguished man was sent to a miserable spot like that, was he to go without some compensation for the labour and duties imposed upon him? If a man of ability was appointed, it was of the utmost importance not to underpay him for the duties which he discharged. It had been found that when small salaries had been given to governors of colonies, those salaries had been materially increased by fees and other allowances. In the case of Ceylon, the Dutch governor had 13,000*l.* a year. As to the mercantile shipping, Labuan presented a harbour of refuge. Piracy existed in those seas to a great extent; and if any Gentleman looked into the papers they would see cases of piracy in which property had been sacrificed to a large amount. Papers relating to this settlement had been laid before the House this year. He did not think it right in the hon. Member for the West Riding to say that Government created patronage for no useful or beneficial purpose. He believed that the settlement would be of the greatest possible benefit to the mercantile and steam navy. It was deemed to be a commercial outport of great importance, and on the same principle that he defended Hong-Kong he would defend Labuan. The Labuan coal would be of great use to the steam navy.

MR. VERNON SMITH said, that the statement made by the hon. Member for the West Riding was perfectly correct—that this was a specimen of the manner in which colonies were founded, without any knowledge of future expenses. An entertaining book had been written by Mr. Brooke, which was published, and read in all circles in this country, and the consequence was, that the Colonial Office took the opportunity of working out the colony of Labuan. He did not say that they did it unjustly, because they were pressed to it by a petition; but he thought they had a duty of resistance as well as of compliance to perform, and he had not heard of any sufficient advantages possessed by

this island of Labuan for the establishment of a colony. The hon. Gentleman had mentioned the supply of coal. That would come under discussion in the miscellaneous estimates. He should like to know more as to the supply of coal, and the use made of the coal by our commercial marine. The hon. Gentleman had touched that matter so very delicately that he (Mr. V. Smith) rather suspected that he had not much more to say on that part of the question. There was a postmaster at Labuan at 300*l.* per annum. The hon. Member for the West Riding had not gone to the extreme length of the danger. He (Mr. V. Smith) imagined that from the nucleus of Labuan they would extend their colonial empire to Borneo; and no man was more willing or more likely to do that than the gentleman who had been sent out as governor, for a man of his character was sure, from the tendency of his mind, to endeavour to extend his empire. Nor was the expense of governor the sole expense. There were troops in Labuan, and, therefore, we did not see the whole expense of retaining Labuan. The hon. Member for the West Riding had truly stated, that this was the manner in which colonies crept upon us. We had possession of this colony before Parliament knew anything of it, and the House had to vote money for expenses over which they had had no control. He thought that Labuan was as pretty a specimen of creating a colony as anything could well be.

Sir H. VERNEY observed, that the objections made against Labuan might have been made against the foundation of Singapore, which had produced greater benefit to the commercial interests of this country than any establishment which had ever been founded. Singapore was founded on the recommendation of a man in whom this country could place confidence. He contended that they should not hastily give an opinion as to the establishment of this colony of Labuan. If it was worth while to extend our commercial relations in that quarter of the world, it was worth while to send out an eminent man; and to induce him to go, they must give him that sort of establishment which a governor ought to have.

Mr. F. SCOTT agreed that they ought not to come to a hasty conclusion; still he was inclined to think that the Committee had not received that information as to the coal to which they were entitled. He saw that they had on the present Committee a Gentleman more likely to give information on this subject than any other person. He thought they were entitled to ask the hon. Member for Glasgow for some account as to the value of coal in Labuan, as to the amount which he expected to be derived from it, the price at which it was sold, and the use to which it was applied by the steam vessels.

Mr. HAWES believed it to be a most valuable possession, and had reason to know that the party to whom the working of this coal had been leased for a time, had sent out a gentleman who would arrive at Labuan at the time he was speaking. From the calculations which he had seen, he had reason to believe that the Peninsular and Oriental Mail Company would obtain coal from one-fourth to one-half the cost at which they were now taken. From the same cause the public would receive considerable benefit, and he did not know whether it would not go to compensate the public for the expenses which had been incurred. He thought he was right in saying that the reduction of the price of coal would be very large, whenever the coal mines were brought into operation.

Mr. COBDEN said, that the hon. Gentleman had stated that a memorial had been sent up from the north of England in favour of occupying this island. He believed that, as far as regarded several places in the north, the Glasgow and Manchester Chambers of Commerce had memoralised Government in favour of this island, which was seven miles long; but the gentlemen of the Chambers of Commerce of Manchester and Glasgow were too much men of business to send establishments until they ascertained whether the island was of any use. He did not believe that ten white people were living on the island. He must tell the hon. Gentleman that there was not so much disinterestedness about the origin of the settlement as he would lead the House to suppose. He knew the whole history of the origin of this settlement; he was not going to state all he knew, but this he did know, that there was not so much disinterestedness as the hon. Gentleman supposed. There was an emissary from London, who went through the north of England to excite the memorialists. Nothing was so easy, if a gentleman had a motive, than for him to go through the north of England to raise expectations—to hold out promises—of some new market in Borneo or Japan, or pro-

bably any other almost unknown country. Active commercial communities would be found anxious to avail themselves of these promised markets, and sometimes they did not judge for themselves as to the prospects. These stimulants were responded to by some memorial courteously worded, in favour of occupying Labuan. He must tell the Secretary for the Colonies that there was some apprehension that we were going to occupy Sarawak. That was the first thing talked of, that being part of the great island of Borneo; and Labuan being known to be detached from Borneo, and only seven miles in extent, it was cautiously expressed that this island should be occupied, and he had reason to know it was done not to encourage the attempt to settle at Sarawak. He wanted to know why Rajah Brooke was consul at Sarawak, and governor at Labuan, 300 miles from Sarawak? Was not that very much like a job? A gentleman was appointed consul to himself at Sarawak, where he was the rajah, and wore an oriental dress; and he was given the appointment of Governor of Labuan, which was 300 miles off. How could he discharge the duties of the two offices?

VISCOUNT PALMERSTON remarked, that Governor Brooke did not seek for this office. He was named consul to Borneo.

MR. COBDEN: It is stated in the estimate that he is to reside at Sarawak.

VISCOUNT PALMERSTON: Yes, consul residing at Sarawak. He is, however, not consul to himself, but to the Sultan of Borneo, to whom he is accredited.

SIR W. JOLLIFFE could not help thanking the hon. Member for the West Riding for having been to a certain degree just to the agricultural interest. The whole of the country paid the charge for the extension of commerce, and there was a vast expenditure for this purpose. Of late years, if a bale of cotton was not protected in any part of the world, an outcry would be raised. He believed there was no part of the world in which the trade was less secure than on the coast of Borneo. A certain extent of security had been ensured by Governor Brooke, and the Government had properly bestowed honours on him. The charge, however, of this colony appeared to be excessive. The number of officers also appeared to be very great. There was a governor and commander-in-chief. The right hon. Gentleman the Member for Northampton said that there were troops there; but he (Sir W. Jolliffe) believed there was only a detachment of marines; and surely the latter officer was unnecessary, as the force there could be adequately commanded by the officers of the ship to which they belonged.

MR. LABOUCHERE expressed his surprise at the manner in which the hon. Member for the West Riding had treated the Manchester Chamber of Commerce, and called the attention of the Committee to the memorial presented by that body to the right hon. Baronet the Member for Tamworth, then First Minister of the Crown, with the view of showing that they took a much more serious view of the appropriation of Labuan than the hon. Member for the West Riding would lead hon. Members to suppose. That chamber was hardly, he should think, composed of gentlemen who would be likely to be induced merely by a person going about among them, as the hon. Member had represented, to address the First Minister in such terms as they then used. Nothing could be more precise or less vague than the statement they then made, which was couched in the language of men who had looked well into the subject. The right hon. Gentleman here quoted passages from the memorial, which were to the general effect — that the memorialists had heard with great satisfaction that an opportunity of obtaining a station off the coast of Borneo had presented itself to the British Government, and that they implored the head of the Government not to suffer any delay to take place in securing a port of such importance, and one in every way so desirable—that the station in question was most conveniently situated for the China trade—that it would be a refuge for our shipping in distress, a bulwark in war, and a central depôt for trade—that the possession of Labuan would confer peculiar advantages on British interests; and the memorialists prayed that the settlement might be completed with the utmost possible despatch. Those were the sentiments expressed by the Manchester Chamber of Commerce; and with them he (Mr. Labouchere) entirely agreed. He was, also, of opinion, that it was the duty of the Government then in power not to forego the opportunity, the importance of which was thus pressed upon them, not by Manchester alone, but by Glasgow, and Liverpool, and London, and all the principal commercial towns in the kingdom. It was but right to make this settlement. Into the particulars of that settlement he would not

now enter: but, so far as making the settlement itself was concerned, he maintained that it was the duty of the then Government, urged as it was by the principal mercantile bodies of the country, to act as they had done. But, above all, he must express his surprise that this reproach, even if reproach were deserved, should have proceeded from so distinguished a member of the mercantile community as the hon. Member for the West Riding.

MR. COBDEN said, that what he quarrelled with was, that this was a most extravagant and profligate establishment. His objections had not at all been answered. The Chamber of Commerce would echo his objections against this establishment. They had people paid ten times as much as the merchants of Manchester would pay. They had set an example of profligate extravagance. He hoped that every commercial community in England would take warning by this, and would bear in mind, if they encouraged settlements, that it was merely to find places, and jobs, and pensions for those who were the friends of Government.

MR. HENLEY said, that, at all events, they were getting some information. This island appeared to be prolific in establishments, if in nothing else. The hon. Under Secretary talked about prospective and future advantages, but not a word about present benefits; and he had not even said a word of the actual advantages now derived from the coal, notwithstanding the appeal that had been made to him. The hon. Member for Glasgow should tell the Committee what the real value of the coal was. It seemed very odd, that in this colony, with nobody living there, it would be necessary to have, not only a governor, but a vice-governor as well. Notwithstanding the explanation of the noble Foreign Secretary concerning the consulship, it appeared, at least, that the governor held another office elsewhere, so that he was obliged to have a lieutenant governor to do his work for him.

COLONEL THOMPSON said, that there was one reason for the facility of stirring up the north of England, which had not been given by the hon. Member for the West Riding, and that was, that mercantile men had great facility in making experiments when other people were to pay for them. Let the Chamber of Commerce be tried with a subscription to pay the expenses, and then we should see what was their opinion on the subject. The opinion in the country was not favourable. There was rather a wild story of the origin of this colony. An enterprising yachter went and played the "illustrious stranger" in a foreign country, under circumstances of very doubtful morality, and the result was that this awful expenditure was laid upon the country. It reminded him of an oriental story:—Once a sultan gave a man a dog—the man said that the dog must have a servant, the servant must have a house, the house must have a wife, and he must have a pension to support himself and wife. The same would be the end with the Rajah of Sarawak.

MR. F. SCOTT said, he considered the House were very much indebted to the hon. Member for the West Riding for having brought this matter before them.

VISCOUNT PALMERSTON, in reply to a question from Mr. Newdegate, said, that those seas undoubtedly swarmed with pirates, and accounts had been recently received that a large force of them had been ravaging the shores of the rivers. Of course, it was a part of the duty of Sir J. Brooke to take such measures as were necessary for the repression of these outrages and for the prosperity of commerce. Not only our cruisers had been employed in that service, but the Spanish governor of the Philippine Islands had sent a large expedition to root out these pirates. There could be no doubt that, with the view not only of protecting our own commerce, but those who were our customers, it was necessary that this wholesale piracy should be put a stop to; and one of the functions of Sir J. Brooke was to put an end to these outrages.

MR. COBDEN said, that the pirates never attacked square-rigged vsssels; all they did was to prey upon the savage inhabitants of the *quasi* continent of Borneo, much in the same way that the ancient Scandinavians did the inhabitants of the Baltic shores; and was it the business of Great Britain to send out men of war, in order to compel these savages to live like civilised people? He doubted the policy of such a proceeding; and it was most certain that the expenditure would never be reduced whilst such a system lasted.

MR. MANGLES said, that the danger from these pirates ought not to be made light of, for it was real, and much alarm existed. The commerce from Singapore came into those seas in the small vessels

which were made the prey of these pirates, and the mouth of the harbour was infested by them. It was a mistake to suppose that the trade in this Archipelago did not require protection.

Mr. NEWDEGATE said, that according to the last accounts from China, two Europeans had lately been destroyed by pirates when passing from one port to another in a small craft.

Mr. COBDEN, with reference to the cases mentioned by the hon. Member for Guildford, begged to say that his (Mr. Cobden's) remark applied to the state of matters at present, and not to the state of matters some years ago. Besides, it appeared that the parties were not attacked on that occasion, but merely frightened.

Mr. MANGLES said, that the hon. Member was quite mistaken in supposing that British commerce did not require the protection of the Navy even at present in that quarter of the world.

Mr. COBDEN said, that the question was not whether it was necessary to protect commerce, but whether it was necessary to send more ships to Rajah Brooke for that purpose.

Vote agreed to.

On the vote of 13,654*l.* for Emigration being proposed,

Mr. HAWES, in explanation, said, it was not in contemplation to reduce the establishment of the Emigration Commissioners. Although the business had increased, the establishment remained upon the scale of the last two or three years, and there was no present prospect of a reduction.

Mr. GROGAN asked if it were intended to supply the same number of free passages to emigrants from Ireland this year as had been granted last year?

Mr. HAWES replied, that the number of free passages depended upon the state of the colonial funds, which, in turn, depended upon the sales of land, or upon the amounts raised upon the security of land. If anything, the facilities for emigration would be increased this year. The hon. Gentleman, however, must bear in mind that the great bulk of emigration was not to our own colonies, but to the United States, for the reason that it cost at least 14*l.* to proceed to the Australian colonies, whilst, by the last accounts from Liverpool, he found a passage could be procured to the United States for 2*l.* 16*s.*

Mr. F. SCOTT hoped, if the Colonial Office had adopted the system of assisting to free passages, it was not the intention of the Government to make the colonies pay the amount they had hitherto paid, in order to relieve England, Scotland, and Ireland, from the burden of maintaining their poor. He suggested that the grant of free passages should be limited as much as possible.

Mr. HAWES did not think it expedient to enter into a discussion upon the question of assistance to free emigration. Assisted or free emigration was governed according to colonial rules.

Mr. SCOTT: Colonial Office rules?

Mr. HAWES: No, the rules and regulations of the colonies themselves.

Mr. HINDLEY thought Her Majesty's Government ought to give some assurance to the House of their intention to take up the question of emigration in a large and comprehensive manner. Nothing was of more importance to the industrious population of this country. The hon. Gentleman the Under Secretary for the Colonies should encourage the establishment of emigration clubs; and he (Mr. Hindley) suggested that the expense of sending honest labourers out should be defrayed, in the proportion of one-fourth each, by the emigration club of which the party was a member, the parish or union to which he belonged, the Government, and the colony. By such an arrangement all parties would be benefited, both at home, and in the colonies. Let the House not be frightened at any proposal to grant one or two millions for this purpose. He was satisfied that if the eight millions given to Ireland had been thus expended, that country would have been really benefited, whilst the interests of the people themselves would have been materially promoted.

Vote agreed to.

On the vote for 30,000*l.*, to defray the expenses incurred for the maintenance of captured and liberated Africans being proposed,

Sir W. JOLLIFFE said, this was the first of a class of votes to which he, for one, should give his decided opposition. The system we had pursued for the suppression of the slave trade had added to the cruelty of the traffic, whilst it had entirely failed in accomplishing the object in view. It cost this country at least a million a year, besides the wear and tear of ships, and the loss of life. So strongly did he feel upon it, that if any hon. Gentleman would move that this and the following vote be omitted, or that our squa-

dron upon the coast of Africa be withdrawn, he would cordially support the Motion. If the sum proposed to be voted for this purpose were spent in emigration, or in some mode by which the West India colonies could be benefited, much more good would be done by it.

Mr. MILNER GIBSON said, that these courts had been established by treaty, but in consequence of the recent line taken by Government with respect to the slave trade, they had nothing to do. The greatest portion of that trade was carried on under the Brazilian flag; and as we had recently decided that all ships found slave-trading under that flag were amenable to British jurisdiction, the courts of mixed commission had become useless. He should be glad to hear from his noble Friend at the head of the Foreign Office whether any cases had recently been tried before the mixed commission courts.

Viscount PALMERSTON said, it was quite true that a great portion of the slave trade was carried on under the Brazilian flag. But unfortunately it was also carried on to some extent under the Spanish and other flags; and if these courts were to cease, there would be no tribunal for adjudication. No doubt they were a source of expense to this country; but, acting upon a suggestion thrown out in that House last year, he had left vacant several appointments, which had caused a reduction in this year's estimates of 6,000. He was also in communication with the Government of Portugal, with a view to the reduction of the courts in Jamaica and the Cape de Verde Islands. His right hon. Friend and the House might be assured that whenever he found it possible to effect reductions in expenditure, consistently with maintaining the objects for which the courts had been established, he should not fail to avail himself of such opportunities.

Mr. MILNER GIBSON asked, whether the return of vessels adjudicated upon by the mixed commission was, as the law required, regularly laid before Parliament?

Viscount PALMERSTON said, that from time to time returns had been made to Parliament of all the ships captured from the period when the Act came into operation.

Vote agreed to, as was the following:—

16,850*l.* to pay the salaries and contingent expenses of the mixed commission for the suppression of the slave trade.

On a vote being proposed for 98,690*l.*, to defray the charges of consular establishments abroad,

Mr. HENLEY said, it appeared they had not yet quite done with Hong-Kong, for in this vote was included a sort of supplementary estimate for 4,316*l.* He should like to know what the consular establishment of Hong-Kong really cost. The salary of the chief superintendent, 1,500*l.*, was said to be included in that of the governor; but Hong-Kong was a British settlement, and he thought it was not common to keep consuls in our own settlements. Hong-Kong cost 25,000*l.* for government, and 4,316*l.* for consular, services, making a total of 29,316*l.* He wished for some explanation with regard to the consular charge.

Viscount PALMERSTON replied, that the same individual performed the functions of governor of Hong-Kong and chief superintendent of the consular establishments in China, but he had no separate salary as superintendent of trade. He communicated diplomatically with the Chinese Government, discharged all the duties of governor, superintended trade, and held communications with all the consuls at the five ports, Canton, Amoy, Foo-chow-foo, Ningpo, and Shangai. These duties were extremely arduous, and he required the assistance of an establishment to enable him to perform them.

Mr. F. SCOTT thought it was useless to pay an interpreter at the consulate of Canton 750*l.* a year, when so distinguished a linguist as Dr. Bowring was appointed there at a salary of 1,800*l.* per annum. The learned Doctor was competent to perform that duty himself.

Mr. MITCHELL objected to two secretaries being maintained at Hong-Kong; the first having 1,500*l.*, and the other 1,200*l.* per annum.

Viscount PALMERSTON explained, that the first was employed in the business of registrar, which was extremely voluminous; and the other, in Chinese duties; and, under the circumstances, he did not see how any reduction could be made.

Mr. HINDLEY pointed out the inequalities in the salaries of different consuls at different places, and asked upon what principle they were fixed?

Viscount PALMERSTON said, the salary depended upon a variety of considerations, such as the importance of the duties to be performed, the rank of the officer to be employed, the expense of the place, the nature of the climate, and so on.

In all cases he had endeavoured to appropriate the salary as carefully as was consistent with the nature of the service.

MR. GROGAN said, he perceived that there was a very large sum charged for the consular establishment at Canton. He wished to know if any addition had been made to the expense of this establishment since the appointment of Dr. Bowring?

VISCOUNT PALMERSTON said, there had not been any addition made. It was quite true that these Chinese salaries had been originally arranged on a very high scale; but if the hon. Gentleman would compare the estimates for this year with those of former years, he would see that a gradual reduction had been going on. The high salaries had been fixed by the East India Company, and had been, he might say, inherited by the Government; but they were doing their utmost to reduce them.

MR. HENLEY said, that in addition to the large salary of the chief superintendent, he perceived that 1,000*l.* was put down for his outfit. He did not think it was customary to allow outfits to consular officers, and the item was the more objectionable as he perceived that the expenses of these Chinese consuls amounted to a larger sum than the whole of the consuls in the United States.

VISCOUNT PALMERSTON said, the outfit allowed to the chief superintendent was according to the established regulation. Before drawing the comparison which the hon. Gentleman had made, he should have been prepared to show that a residence in China was as healthy and desirable as in the United States, and that the people of the United States spoke a language for which interpreters were as necessary as for the Chinese, and that they were as likely to give as much trouble in their mercantile dealings as the people of China.

MR. HENLEY repeated, that he thought a charge for an outfit to a consular officer likely to be converted into a very bad precedent.

MR. C. ANSTEY said, that these Chinese consuls, as they were called, were, in point of fact, diplomatic agents, and also judges, having both criminal and civil jurisdiction. Among a people who were so sensitive of affronts as the Chinese, the manner in which these functions were carried into operation was calculated to lead to incessant dissatisfaction and annoyance; and he hoped the noble Lord would take it into his consideration whether it would not be more expedient to get rid of this system of jurisprudence altogether, and to confine those gentlemen in future to their commercial functions alone.

VISCOUNT PALMERSTON said, he believed that there was nothing more calculated to preserve peace between the two nations than this system of jurisprudence, as the hon. and learned Gentleman had called it. Any one who remembered the period prior to the Treaty of Nankin could not fail to recollect the constant disputes that arose in consequence of the impossibility of delivering up British offenders to be dealt with by the Chinese law, as they were sure to be subjected to a barbarous death. The system of giving judicial functions to the consuls in China, was a reason why their salaries should be larger than otherwise. He had only to add, that, so far from considering that an alteration ought to be made with regard to this arrangement, every year's experience tended to impress him more strongly with the wisdom and utility of the system.

MR. HINDLEY inquired whether the noble Lord had received any intelligence of the arrival of Dr. Bowring at Canton, or of his reception there?

VISCOUNT PALMERSTON said, that intelligence had been received of the Doctor's arrival at Hong-Kong; and no doubt when he reached Canton his reception would be such as his merits demanded.

Vote agreed to; as was also a vote for 20,000*l.* for the expense of missions abroad.

House resumed.

Resolutions to be reported on Monday next.

PUBLIC HEALTH (SCOTLAND) BILL.

The LORD ADVOCATE moved that this Bill be referred to a Select Committee upstairs.

MR. LOCKHART objected to proceeding with the measure at all, in the absence of so many Scotch Members as were now out of town.

MR. F. SCOTT said, it was a very convenient practice for the House that not only this Bill, but, he believed, all Scotch Bills, should be shuffled out of the House, and referred to Committees upstairs. This practice had been adopted for the last two Sessions; and no doubt it was a very convenient one for the Government, which could select the majority of the Members of a Committee, and thus smother discus-

sion. It was also, no doubt, a remarkably convenient arrangement for the House, composed as it was almost altogether of English Members; and all he had to say to the arrangement was, that it would add to the convenience if Irish measures were treated in the same manner. He thought at least that some *quid pro quo* should be established, and that Irish Members should either insist upon the Rate in Aid Bill or the Incumbered Estates Bill being referred to Committees upstairs, or that they should join with the Scotch Members in voting that Scotch measures should be discussed down stairs.

Order for Committee of the whole House discharged.

Bill commited to a Select Committee.

House adjourned at a quarter after Twelve o'clock, till Monday next.

HOUSE OF LORDS,

Monday, June 4, 1849.

MINUTES.] PUBLIC BILLS.—1ª Defects in Leases.
2ª Landlord and Tenant.
Reported.—Apprehension of Deserters (Portugal).

PETITIONS PRESENTED. By Lord Brougham, from Wimborne Minster, Wellington, and Llanrwst, for Extending the Jurisdiction of County Courts; also from Finsbury, for the Establishment of Home Colonies.—From Bristol, Norwich, and other Places, against the Endowment of Roman Catholic Priests in Ireland.—From Roxburgh, and Edinburgh, against the Marriage (Scotland) Bill.—By the Duke of Buccleuch, from Roxburgh, Edinburgh, and Perth, against the Registering Births, &c. (Scotland) Bill; also from Selkirk, against the Running of Passenger Trains on the Sabbath; also from Auchtermuchty and Perth, to remove from the Statute Book those Enactments under which the Rev. J. Shore has been Incarcerated; likewise to refer all International Differences to Arbitration by Neutral Powers.—By the Earl of Malmsbury, from Wales, for Protection from unrestricted Foreign Competition.—From Old Alresford, Bishops Sutton, and other Places, for the Repeal of the Malt Tax.—By the Earl of St. Germans, from Bolton, that Boards of Guardians may be Empowered to grant Superannuation Allowances to Poor Law Officers.—By Lord Stanley, from Frome, for an Alteration in Dispensing the Grants made in favour of Public Education.—From Sowersby, Whitestone, and Thirsk, against the Granting of any New Licenses to Beer Shops.—From Lancaster, for the Adoption of a System of Secular Education, to be supported by Local Rates.

EDUCATION—THE NATIONAL SCHOOLS.

LORD STANLEY presented a petition on the subject of national education; and, in presenting it, he trusted the noble Marquess opposite would excuse him if he repeated a question which he had put in the early part of the Session, with reference to the application of the fund for the Schools of the National Society. The petition was from the inhabitants of the deanery of Frome, and, after complaining of the operation of the management clauses under which the funds were distributed, prayed that the interference of the Government might be limited to two points—namely, that the site of school buildings shall be legally secured by trusts legally constituted; and, secondly, that the school shall be open to Government inspection within certain limits, as arranged in 1840. Early in the Session, he had put a question to the noble Marquess upon this subject, when he was informed that a correspondence was then going on upon the subject between the Government and the heads of the Church. He had now to ask if that correspondence had been brought to a conclusion, and whether terms had been agreed upon between the Government and the heads of the Church tending to remove the objections which were entertained by a large body in the Church?

The MARQUESS of LANSDOWNE was sorry that he could not state that that correspondence had been brought to a conclusion. He hoped, however, that it soon would be. As far as related to the Committee of Privy Council, it had come to an end. He was happy to be able to inform their Lordships, that certain arrangements had been made by that Committee which were deemed satisfactory by many distinguished Prelates of the Church, and even by many of the objectors to their former proceedings. There were, however, certain persons—but he believed that their number was not large—who still objected to the regulations and conditions which the Committee considered to be indispensable for carrying out the intentions of Parliament. He thought it proper that the correspondence should be brought to a conclusion before it was presented to Parliament; but if he should find that any considerable time was likely to elapse before it was brought to a conclusion, he would lay it upon the table as far as it had gone, as he was most anxious that the attention of both Houses of Parliament should be called to the subject.

LORD STANLEY observed, that one reason which had induced him to put this question was, that he had seen that the vote on this subject had passed, *sub silentio*, in the other House of Parliament. He, therefore, thought, that the time had now come when their Lordships ought to understand what the conditions were upon which future grants to these schools were to be made.

The BISHOP of LONDON said, that as

he was not aware of the intention of Lord Stanley to put this question to the noble President of the Council, he had not come down to the House prepared to make any observations upon it. One observation, however, had been made by the noble Baron which appeared to him to require an answer on his part. The noble Baron had spoken of the correspondence as a correspondence between Her Majesty's Government and the rulers of the Church. Now, that was not quite correct. The correspondence had taken place between Her Majesty's Government and the Committee of the National Society. It was true that the Committee of the National Society comprehended several rulers of the Church; but he distinctly asserted, that the rulers of the Church were not responsible for the acts of the National Society, and that the Church itself was not responsible for them. He would say more than that; he asserted that great inconvenience had arisen from the notion that the National Society represented the Church. In the remainder of the noble Baron's observations he must express his own concurrence. He thought that Parliament should have an opportunity of expressing its opinion on the mode of expending the public money which was disbursed by its authority for the purpose of educating the poor, and on the conditions on which it was to be dispensed. He trusted that Government would attend to this point, and afford some explanation; for at present it seemed that the clergy had no choice save that of accepting the money on the terms of the Government. It would be in the recollection of their Lordships, that some years ago he had moved an Address to Her Majesty, praying that Parliament might have an opportunity of expressing its opinion with respect to one of the most important questions that could occupy the attention of the Legislature—the mode in which popular education could be promoted throughout the country. Certain it was that great dissatisfaction prevailed among a large portion of the members of the Church as to the conditions imposed upon the grants by the Committee of Privy Council; and he did not think that those apprehensions so entertained in the Church were by any means allayed. He did not think that these apprehensions were justly entertained; at least, he did not entertain them himself to the extent to which they were entertained by the parties to whom he alluded; but, he thought, consideration was due to the scruples which were felt; and, whether those scruples were just or not, Parliament should be put in possession of the Minutes of the Council before they assumed the shape of an Act of Parliament.

The MARQUESS of LANSDOWNE expressed his concurrence in the observation of the right rev. Prelate, that these Minutes should be before Parliament, in order that any errors into which the Committee of Privy Council might have fallen should be at once corrected. With that view they had been, and they would be, laid from time to time before Parliament.

Petition to lie on the table.

LEASEHOLD TENURE OF LANDS (IRELAND) BILL.

The Order of the Day for bringing up the Report of the Committee being read,

LORD BEAUMONT said, there were some Amendments which he wished to propose in the Bill, and moved that the reception should be postponed for a short time, as he had appointed to-morrow to meet with some gentlemen from Ireland who were interested in the Bill, and dissatisfied with some of its clauses.

LORD CAMPBELL said, the Bill had already stood over for ten days; nevertheless, he had no objection to postpone it till to-morrow, if that would meet the views of his noble Friend.

LORD STANLEY said, he understood some of the provisions of this Bill were much objected to by the Irish Society of London, as it was believed that the operation of the measure would deprive them of the moral influence they now exercised over their tenantry in the discretion which the present law allowed them to exercise with regard to subletting, and which it was now proposed to oust them from, giving them instead a small pecuniary compensation, which they did not want. The Irish Society had some claim to the consideration of their Lordships, as, through the exercise of their discretion, they had been able to maintain on their estates the very best tenants in Ireland. They were desirous, before the Bill passed, to state these objections, either at the bar of the House, or before a Select Committee. If the noble and learned Lord would say that the Society had no cause for apprehension, he had nothing further to say to the passing of the measure; but if not, he thought the matter was worthy of consideration before the Bill finally passed.

LORD CAMPBELL said, he did not

feel himself called upon to commit himself to a professional opinion; but of this he was certain, that his noble and learned Friend the Lord Chancellor had most anxiously and deliberately considered the interests of all parties, and from the clauses which had in consequence been introduced, he believed that the apprehensions of his noble Friend were entirely unfounded. Further than this, the most ample opportunity had been afforded for the discussion of the Bill on the previous stages. He should most strenuously oppose the measure being sent to a Select Committee.

LORD BROUGHAM said, he had presented a petition from the Irish Society on this subject. They wished to be heard by counsel against the Bill; but when his noble and learned Friend put the question to him, if it was not an unusual thing to hear parties at the bar on a private complaint against a public Bill, he was bound to state that that was a valid objection, for in all his experience he had never met with a precedent for such a proceeding. Nevertheless, he thought that some indulgence ought to be shown to this Society, for a more meritorious class of landlords did not exist. He was hopeful that their Lordships would give them relief at another stage of the Bill.

The EARL of WICKLOW said, the Bill had already been discussed in two different stages, and in one of them the particular case now alluded to was noticed by the noble and learned Lord who brought in the Bill. He stated that he had taken into consideration the propositions made by the Irish Society, but that, after full consideration, he saw it was impossible to make any exemption on their behalf. No doubt it was still open to any noble Lord to bring forward the subject again, either now or at some future stage.

LORD STANLEY said, the discussion alluded to took place one night after a discussion on the navigation laws, and when there were only four noble Lords present.

LORD BEAUMONT said, so far as he was concerned, he would be quite satisfied if his noble and learned Friend would put off the measure till to-morrow.

The EARL of LUCAN said, no discussion had taken place on the Bill that was worth the name. He hoped it would be referred to a Select Committee only for one half-hour to dispose of this subject.

LORD CAMPBELL could not agree to the suggestion.

The EARL of LUCAN then moved that the Bill be recommitted.

LORD BEAUMONT said, it would be quite open to his noble Friend to move to-morrow that the Bill be referred to a Select Committee, and he thought that if the noble Lord wished to have the Bill fairly and candidly discussed, that would be a better course than pressing the matter further at present.

The MARQUESS of LANSDOWNE begged to remind the House of what they were about to do, before they proceeded to a division. The Order of the Day for bringing up the Report being moved, his noble and learned Friend was asked to defer the Report till to-morrow, a request to which he immediately acceded, and their Lordships were now called upon to adopt the unprecedented course of resisting the postponement of the Order of the Day under these circumstances.

The MARQUESS of SALISBURY said, that the noble and learned Lord first resisted the postponement on the ground of the necessity of pressing forward the Bill, and he now resisted the Amendment of the noble Earl for the very opposite reason, and on the ground that a postponement was necessary.

After a short discussion, the last Motion was withdrawn. Original Motion agreed to.

THE CALEDONIAN RAILWAY COMPANY.

LORD MONTEAGLE said, he had a petition to present from certain proprietors of stock in the Caledonian Railway Company, stating some facts which, from their gravity, were entitled to their Lordships' most serious attention. He believed there was no principle which their Lordships were more disposed to maintain, in the case of railway companies, than that the money subscribed on the faith of the Act of Parliament for the construction of railways, should be employed strictly in the way that the Legislature authorised: but in the case of the Caledonian Railway Company, this principle, according to the petitioners, had been entirely departed from. He was not going to impute any personal corruption or dishonesty to the directors in the misapplication of the funds. The directors were, he believed, personally above suspicion in the matter, and nothing could be further from his intention than to make any allegation reflecting in the slightest degree on their personal characters; but at the same time their Lordships were not, on that ac-

count, to overlook the mischief that had been done. This railway was one of the two great lines intended to form a communication between England and Scotland; after proceeding as far as Carlisle, it branched off in two directions, by lines leading off to Glasgow on the one side, and to Edinburgh on the other. The Committee had reported favourably of the line, and had recommended the Bill specially to the consideration of Parliament. The Bill was afterwards amended, and between 3,000,000*l.* and 4,000,000*l.* were authorised to be raised and appropriated for the great national purpose of forming a direct communication by railway between the capitals of the two countries. Out of these 3,000,000*l.* or 4,000,000*l.* the directors had, however, employed, in the purchase of shares in other railway companies, no less a sum than 381,000*l.*, every sixpence of which had been withdrawn from the purpose for which Parliament had authorised it to be raised. He held in his hand a list of the several railways, eleven in number, to the purchase of shares in which this fund had been applied. Now, how had the shareholders been dealt with? They knew nothing of these transactions—they were ignorant of the mode in which their money had been expended—and they now found themselves in possession of nearly 400,000*l.* of shares of other lines that were not marketable, and on which they might be liable at any time to further calls. If such practices were permitted, their Lordships had better at once give up all control over the conditions they imposed in those Acts of Parliament, and in future there would be no need to apply a single sixpence to the purposes for which the funds were authorised to be raised, but the directors might be at liberty to devote the money of the shareholders, as they had done in this instance, to speculative projects of another kind. The shareholders stated in their petition that they had been excluded from a knowledge of the accounts until the month of February in the present year, when this misapplication of their money was first discovered, and no blame was, therefore, to be attached to them. It was for their Lordships to say whether these directors, or any others so misconducting themselves, were entitled to any favours from Parliament, and whether the prayer of this petition, which was against the second reading of a Bill now on their Lordships' table (Bill for the Lease of the Glasgow, Barhead, and Neilston Direct Railway), should not be acceded to. He was therefore resolved to take the sense of the House, on the second reading of the Bill to which he alluded, on the inexpediency of entrusting new powers to directors who had already so misconducted themselves.

LORD BROUGHAM said, that the noble Lord had rendered a great service to the country by the zeal and perseverance which he had shown on this subject. Since he had himself brought the subject of railway management before their Lordships, he had been in communication by correspondence with a great number of shareholders, directors, and other persons interested in various ways in railway undertakings, and he could assure their Lordships that that correspondence was of the most extraordinary character. He had received many hundreds of letters, and had read a large per centage of them; and he would have read the whole of them but that he found all those which he did read of precisely the same character. They all presented the same melancholy picture of distress inflicted by these companies on persons who could not afford to speculate—persons living on small incomes, widow ladies, maiden ladies, and trustees of orphans who had exceeded their powers from the charitable motive of obtaining the means of better providing for those committed to their care, all of whom were persons least adapted for speculating or for gambling—for why should it not be called by its proper name? He could not describe to their Lordships the pain with which he read these afflicting details. The uniformity of their complaint was, that they had been taken in by speculators—now an attorney, now an engineer, now a surveyor, but, above all, by speculators who belonged to neither of those classes, but who were gamblers in the share-market, but who were not holders of shares except for the moment, and till they got to a premium, when they transferred them to some unfortunate person, who was ruined in the course of a year or two afterwards. He had been blamed by persons who were ignorant of what was passing on the subject, for having contented himself with making a statement only, and he had received letters asking him why he did not take the most obvious course, and bring in some measure on the subject. Why? For this simple reason, that a notice of a measure had already been given by his noble Friend opposite (Lord Monteagle), and he felt that it could not be in better hands. Why, it was asked,

did he not lay the axe at the root of the evil by promoting a system of audit of railway accounts? That was the very thing he did; the whole of his argument throughout his statement was to promote a system of auditing railway accounts. He supported his noble Friend both last year and this in his effort to establish that system. He agreed with his noble Friend that those parties who violated the provisions of an Act of Parliament which conferred on them extraordinary powers, were not exactly the persons who were entitled again to come to Parliament for an extension of those powers. All such Acts of Parliament were in themselves a violation of the common law of the land; a violation of marriage settlements, of rights of inheritance, and of the enjoyment of property; and no extension, therefore, of their Lordships' high legislative authority to any parties ought ever to be granted unless they stood *recti in curiâ*. If what was alleged in these petitions as having been done by these parties did not actually amount to fraud, yet they were most unwarrantable and most unjustifiable acts, and he therefore hoped his noble Friend would persist in his intention of opposing the Bill that was now pending before their Lordships at as early a stage as it was practicable. He wished, however, to ask his noble Friend whether the parties had had an opportunity of being heard in answer to these allegations?

Lord MONTEAGLE said, the moment he received the petitions he put the parties in possession of the fact, and informed them that the Railway Committee would have the whole matter placed before them. The Committee was still sitting, and was open to the parties; and, if they felt desirous of being heard, the Committee could be called together and they might be heard to-morrow.

Lord BROUGHAM was completely answered; and he heartily rejoiced that their Lordships would be able to oppose the second reading without the tedious and expensive formality of going into Committee upon the Bill.

Lord WHARNCLIFFE agreed with his noble Friend (Lord Monteagle) that these transactions were of a most pernicious and ruinous description. They were not only illegal in themselves, but contrary to the covenants upon which the company obtained their powers from Parliament, and must be detrimental in the highest degree to the interests of the parties themselves. Their Lordships and the public owed a considerable debt of gratitude to his noble Friend for the labour he had bestowed, and the efficiency with which he had applied himself to such cases as the present. His noble Friend had said that he had no intention to impute anything dishonourable on the part of the persons implicated in this transaction; he (Lord Wharncliffe) thought it but justice to those parties to say, that whatever might have been the error committed by them in the management of the Caledonian Railway, there was this distinction between their cases and several others which had been brought before the House—that all those errors and acts of illegality had been committed by the parties with the sole view of promoting the interest of the proprietors, and not for their own personal advantage.

The Duke of BUCCLEUCH hoped, as the noble Lord opposite had declared it to be his intention to oppose the Bill now pending, he would look carefully into its provisions before doing so, as its rejection might inflict very serious injury on the shareholders and the public. He concurred with what had fallen from the noble Lord who had just spoken, and was convinced that neither the chairman nor the directors had acted with any view to promote their own interests, and that, though they might have been in error, yet what they had done was intended to advance the interest of the company at large.

Lord MONTEAGLE disclaimed having cast the least imputation on any of the parties concerned in this transaction, many of whom were friends of his own.

Petition read, and referred to the Select Committee on the Audit of Railway Accounts.

Certain accounts of the Caledonian Railway Company were ordered to be laid before the House forthwith.

LANDLORD AND TENANT BILL.

Lord PORTMAN moved that this Bill be now read 2ª. His Lordship said, that this measure had received very serious consideration in the other House; and he had undertaken to bring it before their Lordships, because, upon a former occasion, he had introduced a Bill himself, which was submitted to a Select Committee. That measure, however, was not proceeded with, owing to the difficulties of the subject. Since that period, a Select Committee of the House of Commons had taken evidence

in relation to it, and the result of their investigations was a conviction that it was expedient to pass a Bill wholly permissive, allowing persons having limited estates to bind their heirs by agreement to grant compensation to tenants for improvements. The Bill was divisible into three parts. The first enabled parties having limited interests in land to enter into such agreements; the second made some improvements with regard to emblements; and the third allowed tenants to remove engines, buildings, and other fixtures erected by them. He would not conceal from their Lordships his opinion that the first part of the measure would require some amendment. It was proposed that parties having limited estates might enter into agreements with tenants to grant compensation for temporary improvements upon their farms, by the purchase and use of such manures, or of such articles of food for cattle, sheep, or pigs as might be specifically mentioned in the agreement, or for durable improvements by draining, marling, chalking, claying, or otherwise amending the soil, or by works of irrigation, or by the construction of new fences. In the case of temporary improvements no notice was required to be given by the tenant to the landlord of his intention to lay out money for which he should require compensation, except in the last year of a holding for a term of years; but in the case of durable improvements, the tenant was not allowed to execute any works for which he would be entitled to claim compensation, unless he furnished beforehand a statement in writing of the work to be done, and the estimated cost, and unless the landlord or his agent agreed, in writing, to its execution. This part of the Bill also contained provisions, which he considered very large, giving either party a power to terminate the agreement; so that if the bargain should turn out not to be satisfactory, the tenant could break it, and claim compensation from the heir, who, under the clauses as they stood, had no protection. It would, therefore, be necessary for their Lordships, in case they agreed with the principle of the Bill, to adopt measures in Committee, with a view to protect the interests of the reversioner. The excuse for legislating at all upon the subject was, that great injury was often done to farms by outgoing tenants, during the last two years of their terms. They neglected to improve, and ceased to expend capital; they "sheared" the land, as it was called, and left the incoming tenant to restore it to a proper condition. But there was another power to which he deemed it right to direct attention. In the case of land occupied by a subtenant, the original tenant was to have the power of making a bargain with the tenant in occupation, possibly to the extent of binding the landlord to pay the compensation which might be claimed at the expiration of the lease, or upon the death of the lives. In such cases, as the Bill provided no check upon the middleman, it would be necessary for their Lordships in Committee to devise some means for protecting the landlord from injustice in dealings between the first tenant and the occupying tenant. The next part of the Bill related to emblements, which, as their Lordships knew, were the profits of growing crops. For instance, a tenant of land, held under a lease for lives, ceasing to be tenant by the death of the last life, he having sown the seed in the ground was entitled to reap the crop. It had been found that where emblements were claimed, considerable damage was often done. The Bill, therefore, provided that where that was the case, the valuers should deduct compensation for use, occupation, and damage of the land, as a set-off against the claim for emblements. The last part of the Bill related to the removal of engines, buildings, and other fixtures, and it proposed to make the law uniform in this respect with the law relative to fixtures in trade. The tenant, therefore, was empowered to take them away, having first given the landlord the opportunity of purchasing. As the law now stood, the tenant was bound to leave them upon the soil. The object of the Bill was, then, as their Lordships would perceive, to assist tenants in the cultivation of the soil; but he was bound to repeat that it was not so perfect in its details as it might be made in Committee, with the assistance of the noble and learned Lord below (Lord Campbell), and of his noble and learned Friend now absent (the Lord Chancellor), whom he hoped shortly to see in his accustomed place.

The BISHOP of ST. ASAPH asked if the Bill contained any provisions with respect to ecclesiastical property? It appeared to him, as it stood, that any person having a life interest in such property, might make bargains to bind his successors, just as any other landlord.

LORD PORTMAN, in reply, said, there was no direct provision of the sort.

LORD BEAUMONT said, the Bill was absurd in some clauses, and injurious in the

rest. It was absurd in those that were permissive, and unjust in those that were compulsory. It enacted, that persons might make agreements which they had the power to make already; whilst with regard to the compulsory clauses, anything more grossly unjust, or more likely to lead to fraud, could not have been framed. For example, a tenant for life was enabled to make an agreement with the occupier to lay out any amount of money whatever upon the land, and make it chargeable to the remainder-man within twelve years. So absurdly was the Bill framed, that though permanent improvements were divided from temporary improvements, the tenant might claim, eleven years after he had reaped the crop, compensation for the necessary outlay in the ordinary tillage of the soil. The expenses and profits of claying, soiling, marling, subsoiling, and every imaginable process in agriculture, were to be estimated and apportioned between landlord and tenant. The landlord was to keep a constant watch lest the tenant made an improvement, as he, the landlord, might have to pay for it; and the tenant was to have compensation for manuring a field or putting up a fence, all to run over twelve years. The remainder-man was thus liable for matters which were of common and daily operation; and the tenant for life might escape the whole of the burden which he ought to bear, by agreement with the occupier. He admitted, however, that the portion of the Bill which related to emblements was an improvement; but with regard to the subject of fixtures, he thought it would be better to leave it to be dealt with by special arrangements between the landlord and the tenant. Where there was a yearly tenancy, and a sum of money was laid out by the tenant, there was always an agreement by which the occupier did not lose; and wherever it was the practice to have yearly tenants, he found agriculture had advanced infinitely more than in those parts where it was the invariable practice to have leases. There were, however, other objections to the Bill. One was, that it would lead to an immense amount of litigation, and another, that there would be so much difficulty in the way of the valuers ascertaining the respective interests of the parties, that the good understanding which now prevailed between landlord and tenant would be destroyed. At the end of twelve years, how were they to estimate the value of so much manure applied to the land in that time, or any other improvement not durable? He repeated that the good understanding between landlord and tenant would disappear, especially where there were tenants at will, and both looked for justice from Acts of Parliament instead of mutual agreements. Under these circumstances, he should move, as an Amendment, that the Bill be read the second time this day six months.

Lord CAMPBELL was by no means prepared to agree to the Bill as it stood; but he could not consent to its rejection upon the second reading, because it contained some good provisions, and was capable of great improvement. He doubted whether the first part of the Bill could be practically applied. All such matters, he thought, were best left to individual contracts; but the other parts of the measure relative to emblements and the removal of fixtures, in which the existing law was defective, were improvements. He objected, then, to the first part of the Bill, because it would cause litigation; and he supported the last part of it, because, with some amendments, it would stop litigation. For these reasons he could not consent to its rejection at this stage. He suggested that it should be read the second time, and pass into Committee, where it could be discussed in detail. That being done, he reserved to himself the power of saying aye or no upon the Motion for the third reading.

The Earl of WICKLOW thought the Bill liable to objections, but these could be stated in Committee; and if his noble Friend could not then make the alterations thst were deemed necessary, it would be competent to move the rejection of the Bill on the third reading. He believed the Bill was capable of improvement, and would therefore support the second reading. His noble Friend (Lord Beaumont) said, it was already competent to parties to make agreements, and that this measure was not required. He forgot, however, that the Bill was necessary to meet the case of tenants for life; and he trusted, therefore, that he would not persist in his opposition to the second reading.

Lord BEAUMONT said, the Bill gave power to charge the reversioner, and that was a principle which he, as well as the noble Lord (Lord Campbell), regarded as unjust. He thought it monstrous to allow one man to throw a burden upon the property of another.

On Question, that "now" stand part of the Motion,

House divided. Content 9; Not-Content 5:—Majority 4.

Resolved in the *Affirmative*.

Bill read 2ª accordingly.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, June 4, 1849.

MINUTES.] PUBLIC BILLS.—1° Collection of Rates (Dublin); County Cess (Ireland); Newgate Gaol (Dublin).

2° Pupils Protection (Scotland); Sheep Stealers (Ireland).

PETITIONS PRESENTED. By Mr. Lawrence Heyworth, from Glossop, for the Adoption of Universal Suffrage.—By Mr. Lushington, from Westminster, for a Better Observance of the Lord's Day.—By Sir R. H. Inglis, from Pontefract, against the Marriages Bill.—By Mr. W. Lockhart, from Glasgow, for an Alteration of the Burgage Tenure (Scotland) Act.—By Captain Pechell, from Matthew Phillips, Engineer and Surveyor, for the Appointment of a Committee to ascertain the best Means of Employing and Sustaining the People.—By Mr. Coles, from Andover, respecting Assessment to the Poor Law.—By Mr. Brotherton, from the Ellesmere Union, for a Superannuation Fund for Poor Law Officers.—By Mr. Rice, from Dover, for the Suppression of Promiscuous Intercourse.—By Mr. Duncan, from the Royal Burghs of Scotland, against, and by Mr. Ewart, from Dumfries, for an Alteration of, the Public Health (Scotland) Bill.—By Viscount Jocelyn, from King's Lynn, for the Abolition of the Punishment of Death.—By Mr. Henry Hope, from Gloucester, for an Alteration of the Sale of Beer Act.—By Mr. Beckett Denison, from Barnsley, Yorkshire, for an Alteration of the Small Debts Act.

THE PALACE COURT.

MR. B. OSBORNE wished to put a question to the hon. Member for Marylebone upon a subject respecting which great anxiety was evinced out of doors. He desired to know what course the noble Lord meant to pursue about the Palace Court?

LORD D. STUART begged to say, in reply, that he had not given any notice of a Motion with respect to the Palace Court hitherto. He had merely confined himself to moving for some returns with regard to that court. Those returns were not as yet laid upon the table, but he believed they would be forthcoming within a very short time. Not long ago he had put a question to the hon. and learned Gentleman the Attorney General, inquiring whether it was the intention of the Government to bring in any measure for doing away with the Palace Court or not. The answer of his hon. and learned Friend was not very explicit. His hon. and learned Friend did, however, lead him (Lord D. Stuart) to expect that the Government had a measure of the sort in contemplation. If he should find, and he should do all in his power to ascertain the point, that the Government did not intend to bring in a Bill for the purpose in question, he should himself introduce a measure, which he hoped would receive the support of the hon. and gallant Member for Middlesex.

MR. B. OSBORNE said, that perhaps the hon. and learned Attorney General would have no objection to state when he would bring in his Bill for the abolition of this court?

The ATTORNEY GENERAL replied, that the subject had been for a long time under consideration, and that the principal difficulty was with respect to the compensation to be granted to the officers.

MR. B. OSBORNE asked whether the Bill would be certainly brought in in the present Session?

The ATTORNEY GENERAL said, it was impossible to answer the question with certainty until he knew the nature of the claims of the several officers.

Subject dropped.

INCUMBERED ESTATES (IRELAND) BILL.

Order for Third Reading read.

Motion made, and Question proposed, "That the Bill be now read the third time."

SIR L. O'BRIEN said, that unless he knew the names of the commissioners to be appointed under this Bill, he must, as a matter of duty to his constituents, move that it be read a third time that day six months.

MR. J. STUART seconded the Motion.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

COLONEL DUNNE said, he did not believe the Bill would effect any of its proposed objects. He denied that Ireland was so circumstanced as to call for so extraordinary a measure. So far from Ireland requiring facilities to sell land, the fact was that half the property in that country had changed hands twice over within a very short period. In France, a Bill very like the present was introduced under Louis Philippe by a very able lawyer, but was rejected by a large majority. A change of proprietary never could relieve agricultural distress. Mr. Longfield, one of the witnesses examined before the Committee, declared that the only difficulty in selling land in Ireland was caused by the Registration Act; while Mr. Butt, another witness, considered the great difficulty was want of purchasers. If the Court of Chancery was not fit for its business, why not

reform it, or bestow on it the powers of those commissioners to be appointed under the Bill? As to the measure itself, it violated every principle of law and justice, and would still further alienate Ireland from this country. The House had tried confiscation after confiscation, but Ireland was to-day in the state which Spenser described it as being in the days of Elizabeth, while her people were flocking to the shores of America, and carrying with them feelings which were not favourable to the legislation of this country.

Mr. GROGAN felt it his duty to oppose the third reading. The amendments were not improvements, and in the course of his experience he never knew such an Algerine measure proposed in Parliament. No English Member would trust three unnamed commissioners with such extraordinary powers in England under any pretence whatever, and he thought they should hesitate before they consented to make such a precedent. In the present state of feeling he did not think it good policy to apply different legislation to the two countries.

Mr. NAPIER said, he felt bound, in justice to the constituency he represented, to state the grounds on which he thought the Bill should not pass. In many of its objects—such as affording facilities for sales of land as far as was consistent with the rights of property—he fully concurred; but he thought that, to carry the main object, two sets of machinery, one judicial and the other administrative, were required, and that some special administration should be directed to distressed properties, more particularly those in Chancery. Before the Consolidated Fund was saddled with this large additional expense, it was the bounden duty of the Government to explain why the Irish Court of Chancery was to be superseded. Admitting that the existing machinery of the Irish Court of Chancery required modification, he denied the justice or the expediency of sweeping it altogether away. The Bill proposed the continuance of three commissioners for five years, at an aggregate annual salary of 7,000*l.*, and he thought it only due to the country to explain why this additional expenditure could not be saved. The Bill had been so loosely framed, that whilst it provided that the commissioners should not sit in Parliament, it assigned no court for them to sit in. He objected to any legislation which should enable a commission of this character to supersede the high legal functionaries composing the Irish Court of Chancery. It was not pretended the court had not time to discharge its duties; but the Government came down with a Bill, not to administer insolvent property, but to transfer all property at the request of the slightest incumbrancer from the highest court of equity in the country to three Government commissioners. He would not, as an Irish barrister, consent to be a party to any measure to affirm that those high functionaries, the Lord Chancellor and the Master of the Rolls of Ireland, were not able to perform their business, or to frame new rules, such as they were empowered to do by the Act of last year—a power which was transferred to the commissioners by the present Bill. Was all Ireland in such a state as to require this measure? Were there no places in the land where the hardworking and industrious had invested their earnings, and the result of their toil and labour in the purchase of land, to which this Act would not extend? And yet it applied to all Ireland, solvent and insolvent. If the rights of property were thus invaded and taken from under the settled control of the laws, the Legislature did injury to the constitution, and struck at the very roots of society. They were separating Ireland every day from England by such laws as that. It would be fair and honest policy to apply it to certain parts of Ireland, or even to appoint a commission to aid the Court of Chancery; but he could not consent to vest such arbitrary power over all the country in the hands of three men. Even the very right of appeal to the Privy Council was left to the will and pleasure of the court to be appealed against. The Court of Appeal consisted of six Members of the Irish Privy Council; but it should be remembered that those persons were not really a judicial body. To the discretion of this body was left the altering the rules of the commissioners. He asked whether it was fair so to legislate for Ireland—whether it was wise to go on alienating the people of that country by such a course of policy? The scheme propounded by the right hon. Baronet the Member for Tamworth did not contemplate, as this Bill did, the superseding by a commission of the Irish Court of Chancery. His commission would have proceeded to the spot, and have sought to negotiate between conflicting interests; whereas the present commission might adjudicate upon titles, and declare the priority of incumbrances in the absence of the

parties interested. A Parliamentary title was of value in proportion as the people had confidence in the Legislature; but he did not think that the present course of legislation was calculated to give that confidence. Any man having a claim to the property could get it placed at his mercy. On the allegation that there was no such thing as a marketable title to be found in Ireland, it was proposed to appoint commissioners, with plenary powers of investigation; no provision was made for the supervision of any court; and a tribunal which should act on a loose popular principle was to be substituted for that which now existed. The commissioners were to have the power of taking any man's property on the application of any incumbrancer, and of deciding according to their discretion, and without appeal, on the rights of all parties having an interest. The measure tended to encourage frauds on the part of tenants for life; of which description was one of the few cases of sale attempted under the Bill of last year—he referred to a case which occurred in the north of Ireland. To supersede the functions of a court which Parliament last year thought perfectly competent to deal with the question to which the present Bill related, was neither a wise nor a judicious course. It was a course calculated to shake the confidence of the country in the administration of justice by the ordinary tribunals. The commissioners were to be exempted from that control to which other tribunals were subject; their decisions could not be subjected to review by *mandamus*, *certiorari*, injunction, or any other proceeding. If a title were to be given good at once against all challenge, the more emphatically necessary was it that the question should be decided on in such a way as should be perfectly consistent with the general rules as to property, and subjected to the review of the judicatories which usually regulated all rights of property. To pass such a measure was not dealing fairly with those parties who had, to the best of their ability, and in the midst of great difficulties, been endeavouring to discharge their duty on the properties they had inherited. On the other hand, cases of collusion might occur between owners and incumbrancers, for the purpose of forcing a sale to the disadvantage of the other creditors, who would then be left to their general remedy against the person; so that the Bill might be made an instrument for perpetrating perjury and fraud. The Government by this measure declared in substance that the Lord Chancellor of Ireland, who was of their own selection, and who was a highly eminent man, was incompetent for the discharge of his duties, and must be superseded by the commissioners. It might be asked whether the commissioners were to appoint masters, whether their court was to be open to the public, whether professional assistance was to be allowed, and where were they to sit? If Parliament were to pass a Bill for the purpose of compelling purchasers to buy, there was abundance of property for sale. One of the Masters in Chancery had told him that he had for sale 300,000*l.* worth of property, but had sold only to the extent of 3,000*l.* A portion of the Goldsmiths' property, the Blessington estates, and also Mr. D'Arcy's, in the county of Tyrone, and a number of other large properties, all in the north of Ireland, were at present for sale. There were at present under Chancery receivers, estates to the value of upwards of 2,000,000*l.*, which the Government had it in their power to manage as they pleased, but of which the management was an utter disgrace. Were that management such as it ought to be, it would soon have the effect of restoring confidence and of elevating the value of property, which was now selling at eleven years' purchase, but which, some years ago, would have fetched thirty years' purchase. It was provided that the commissioners should not be liable to an action at law for anything done by them in the exercise, or the supposed exercise, of their powers, But why apply a Bill which conferred such powers to the whole of Ireland? Why not rather confine it to the properties which were placed in such peculiar and special circumstances as might have suggested the measure? Commissioners and receivers might be appointed, as in bankruptcy proceedings, to act with reference to those peculiar and special cases. He objected to the Bill as being levelled at the whole of Ireland, as superseding the ordinary tribunals, and as declaring them incompetent to modify their rules so as to meet the emergency; but, if the House were resolved to proceed with the measure, the responsibility was theirs and the Government's. It was something for him at least to know that he had done what he could to prevent the measure from being carried into a law.

MR. SADLEIR said, he had given the Bill of last Session, on this subject, a qualified support, but had felt bound to re-

sist some of its provisions (which, however, the Government had obstinately retained), because he thought those provisions, so far from carrying out the excellent principle of the measure, would operate as a practical prohibition and injunction against the investment of capital in landed property under mortgage in Ireland. He regretted that the Solicitor General had not introduced a clause into this Bill, repealing the Act of last Session—so far as the provisions he had mentioned were concerned — retaining the clauses which independent Members had introduced — such, for instance, as that most valuable clause which the hon. and learned Member for the University of Dublin introduced into the former Act. If the learned Colleague of that hon. and learned Gentleman had had as much experience of courts of equity as he had had of the common-law tribunals of his country, he (Mr. Sadleir) believed he would not have so strongly pressed on the House his views against this Bill, as damaging the existing rights of property. Did the hon. and learned Gentleman think he could preserve the leading characteristics and main features of the equity courts of Ireland, and at the same time entrust them with the functions proposed to be vested in the commissioners under this Bill? He had said that a large quantity of property already stood decreed for sale, but had not been sold as yet. Now, that very fact was a reason why he (Mr. Sadleir) was favourable to the creation of a new and independent tribunal for effecting sales. Did the hon. and learned Gentleman think that property could continue perpetually in the master's office without ruin to the owner, or without destroying the industry of the tenants, and retarding and obstructing the industrial development of the country? If he had taken the trouble to examine into the cases, he would have found that in each instance where masters offered landed property for sale, they were obliged to offer it to the intending purchaser clogged with a series of conditions, binding him to go into court before the Chancellor, and perhaps afterwards before the House of Lords, should there be an appeal, to defend some obscure old testament, or sustain some doubtful deed—conditions which were quite sufficient to deter capitalists from purchasing, even in the most prosperous times. He (Mr. Sadleir) assumed that the commissioners would turn their attention at once to the circumstances and position of the incumbered estates for the sale of which application may be made to them, and that they meant altogether to dispense with those expensive written pleadings by which, according to the costly and dilatory system of the Court of Chancery, the most simple and indisputable titles had heretofore to be established. After having ascertained the circumstances of and the title to the property—which they might do in a summary and effective manner—he assumed that they would next proceed to discover the undisputed and disputed demands upon the estate, and having effected a sale, he supposed they would, having reference to the priority of the claimants, distribute the proceeds among the first class of claimants, and place the residue of the money under the control of the Court of Chancery. He (Mr. Sadleir) was anxious to support the third reading of this Bill, because he thought it not only enunciated the principle of the Act of last Session, but took a bolder ground, and recognised the necessity for a distinct tribunal to administer the affairs of these estates, ascertain the incumbrances, and effect the sales. Nevertheless, if the hon. and learned Solicitor General did not take a further step so as to extend the efficacy of the Bill, and give to it a more comprehensive character than it at present possessed, he greatly feared that it must also break down, like the Act of last year, for want of purchasers. This was the third edition, "revised and corrected," of this Bill, and yet, unfortunately, some of the best suggestions that had been made were not included in its provisions. The absence of one feature, in particular, from this Bill he extremely regretted. He meant that the Bill as it now stood, deprived persons who were owners of life-interests in property in Ireland, as well as their creditors, of the power of putting this Act in motion. A majority of the incumbered estates in Ireland were those in which parties had life-interests; and what objection could there be to giving those parties, as well as their creditors, the right to sell a portion of the estate? Every interest in land, however limited, ought to be brought under the power of the commission, at the instance of the owner; and the same right ought to be given to the creditors. This would be really and practically to facilitate the sale of estates in Ireland. As long as this commission existed, no man could effect a sale except under it; and on this account it was most desirable that the provisions of the Bill should embrace all classes of in-

terests. The absence of such provision was the great weakness of the Bill. He would notice the defects which he conceived to exist in the Bill, and hoped that the hon. and learned Solicitor General would act on the suggestions he was about to offer. With respect to the 16th section, he thought it might be usefully altered by giving the owners or incumbrancers of any estate the power of applying for a sale. He thought they ought to expunge the 17th section altogether, the effect of which, he thought, would be to narrow the operation of the Bill. With regard to the 23rd section, he was of opinion that those individuals who had lent money in the character of trustees, under the operation of Lynche's Act, should be allowed to become purchasers of those estates on which they had lent money. By the 25th section he thought the hon. and learned Gentleman intended to give a power to the commissioners to apportion the quit rents. But as the clause now stood they had no such power. With regard to the 25th section, the hon. and learned Gentleman had neglected to provide for the production of the tenant's lease or equitable agreement. He did not think it would be considered a hardship on any party if the commissioners had a power to compel the production of the tenant's lease, when the landlord, as was frequently the case in Ireland, held no counterpart. There was another consideration which made him regard the Bill as it stood as a most puny effort to grapple with a great and pressing difficulty, and that was, that in cases where the owner of an incumbered estate in one part of the country was desirous of selling that estate for the purpose of acquiring by purchase an incumbered estate in another district, which had gone out of its hands, in consequence of the imprudence, it might be, of some improvident ancestor, he would be unable, whilst the commission existed, to effect a sale upon fair terms, except through the medium of the commissioners. Another defect was, that the 12th section did not give sufficient power to enforce the production of deeds, and compel the attendance of witnesses, thereby weakening the means for checking fraud and deception. It was true the 14th section was in aid of the 12th; but it supplied only a very clumsy mode of enforcing the wishes of the commissioners. He would beg to urge upon the House the importance of enabling the commissioners to proceed at once to effect the sale of those bankrupt estates, which already had been placed under the control of the Court of Chancery and Equity Exchequer in Ireland. Nothing could be more calculated to stop that system of emigration, which, for the sake of the interests of the country, should receive some kind of check. Nothing could be more calculated to give the tenantry some hope for the future, than to find that the commissioners, under this Bill, were enabled to offer for sale those bankrupt estates which, for several years, had been under the control of the equity courts in Ireland. Where vast arrears of rent had accumulated on such estates, it would be necessary that an adjustment should be come to with regard to them; for it was notorious that purchasers were frequently annoyed and harassed by proceedings taken to enforce the payment of arrears that were treated as irrecoverable previous to their purchase. He was sorry that the hon. and learned Gentleman the Solicitor General, in dealing with the question as to the partition of land, had confined the measure to the partition of incumbered estates. He was sorry that he did not agree to the proposition of the hon. Gentleman the Member for the county of Limerick, and adopt means by this Bill to effect, where necessary, the speedy and economical partition of estates not incumbered. A most serious objection taken by him to the present Bill had reference to the properties of those parties whom he called the professional absentee proprietors of the country. They were, unfortunately, not very likely by this Bill to hold out even an inducement to those owners of property to part with at least a portion of their large possessions in Ireland. He was sorry the Bill was not framed in such a way as would afford them an advantageous mode of parting with the estates of which they were owners. He alluded, of course, to those gentlemen who had for years been absentee proprietors. When he considered the great and flagrant evils resulting from this system, he wished the Government had introduced something into the Bill to induce those absentee proprietors to divest themselves of those estates. With regard to the evils of absenteeism, he begged, in the first instance, to refer to the opinion of the right hon. Gentleman the Member for Tamworth—an opinion most deserving of the attention of the House, and delivered at a time when the right hon. Gentleman was Secretary for Ireland, and represented an

Irish constituency, and therefore had an opportunity of forming an accurate opinion on the subject. The speech was made in reply to the memorable statement of Sir John Newport, in the year 1816. The right hon. Gentleman then said, that if he were asked from what measure the greatest benefit to Ireland would accrue, he would say from a measure that was calculated to induce, or, if that was not sufficient, to compel those individuals to reside in Ireland who spent the money they got from Ireland elsewhere. At a later period, Chief Justice Blackburne stated, before a Committee of the House of Lords, that absenteeism, independently of its abstraction from the country of so much wealth, produces great mischief in the whole frame of society. The names of absentee proprietors were rapidly and daily increasing; and he saw nothing in any projected reform with respect to the poor-law that did not continue the practical bonus which hitherto had been held out to those absentee proprietors with regard to the poor-rate. It seemed to him that they would be precisely in the same state as at present when the projected Poor Law Amendment Act became the law of the land. At present, if a man wanted to exonerate himself from a just and fair demand on foot of poor-rates, he had only to become an absentee. To show the extent to which absenteeism had reached, he referred to a barony in the county of Kerry, where, out of 100,000 acres, 92,000 belonged to four absentee proprietors, and the remaining 8,000 acres belonged to small proprietors, one-half of whom were absentees. He thought that the establishment of an effective system of registration was necessary; for under the present system, there was great delay and difficulty in vouching titles to lands. So long as those anomalies existed with respect to real property in Ireland, so long must capitalists decline to become extensive purchasers of incumbered estates in that country.

Mr. HENLEY had expected that the hon. Gentleman who just sat down would conclude by moving that the Bill be recommitted, for though he had in the commencement of his speech stated that he intended to vote for the third reading, he seemed to have given every reason, both in detail and in gross, against the Bill. How any Gentleman could vote for the third reading of a Bill which he had so pulled to pieces, he (Mr. Henley) could not understand. He would now state the reasons that prevented him from voting for the third reading of the Bill. In the first place, the Bill came before them under a title that was not true—it did not deal with incumbered estates alone. It was alleged that there are in Ireland a vast mass of incumbered estates, which it was necessary to let loose for the sake of the country at large; and that might be a good object; but they did not confine the application of the Bill to that object, nor did they take any security at all that the Bill would be confined to that object. There was in Ireland, as in all countries, a great deal of property without a marketable title, and this Bill would enable parties having such properties to avail themselves of its provisions and sell their estates. They might thus forestall the sale of incumbered estates at a sacrifice that every person would not be disposed to make. They had done many things by this Bill which many persons thought would shake the rights of property, and for a purpose which they had taken no step to secure, because the Bill might be put into operation to effect an object entirely dissimilar to that contemplated. He next objected to the nature of the commission. They did not take care that the gentlemen who were to supersede the Court of Chancery should execute their functions in public. A man might have his interests dealt with, and absolutely destroyed, by three gentlemen sitting with closed doors, the public not knowing what was going on. The commissioners would probably have most complicated questions to decide, and they had no right to withdraw those questions from the ordinary tribunals of the country, and yet give the parties no power of appeal except at the will of the judges themselves. Those commissioners, before they sold an estate, must inquire in a certain degree into the nature of the incumbrances upon it, and that inquiry must to a great extent, be *ex parte*. However judicially constituted their minds may be, there must be some kind of impression created on them by that process. After an estate was sold, then came the distribution of the funds, and persons would not be satisfied to have the money produced by the sale distributed by men who had made an *ex parte* inquiry, and, therefore, were not looked upon as impartial judges of the matter. He wished the Bill had been so framed as to effect the objects in view; but he felt assured that in its present shape it would not secure those objects.

The SOLICITOR GENERAL would not detain the House by entering into the minute details relating to this Bill, which had been gone into at considerable length by the hon. and learned Member for the University of Dublin, and the hon. Gentleman the Member for Carlow. He would only refer to the leading points to which they had drawn the attention of the House, and he thought that was the more satisfactory, because this Bill was carefully considered in Committee, and those little details with regard to the working of the measure were more fit to be discussed in Committee than on the third reading of this Bill. It appeared to him that the hon. Gentleman the Member for Oxfordshire had fallen into an error when he spoke of the inconsistency of the hon. Member for Carlow; for the objections he made to the Bill were directly opposite to those made by the hon. and learned Gentleman the Member for the University of Dublin. The improvements suggested by the hon. Member for Carlow were such as he thought might be considered in a future Session with advantage. With respect to the hon. Member for Oxfordshire, he begged to differ with him in opinion with respect to the operation of this Bill: he (the Solicitor General) believed it to be strictly confined to incumbered estates. An objection had been raised to the measure, on the ground that it proposed to supersede the existing tribunals of the country; and his hon. and learned Friend the Member for the University of Dublin had asked why they could not reform the present Court of Chancery, and why the present Lord Chancellor of Ireland was not competent to carry the provisions of the Bill into effect? There was no person who could be found second to himself in praising that most excellent and learned Judge, or in believing that he would be fully competent to carry into effect any measure of this description; and it was a great satisfaction to him to consider that this Bill had the fullest sanction of that noble and learned Lord. With respect to reforming the Court of Chancery, his hon. and learned Friend had forgotten the difference which existed between attempting to reform an old established system, and attempting to carry into effect, by a new and temporary one, something which the established system had been found manifestly insufficient to perform. It was impossible to hear the details referred to by the right hon. Baronet the Member for Tamworth, upon a former occasion, without feeling that the Court of Chancery, as at present constituted in Ireland, was incompetent to perform those duties which, under the existing state of things, were required, in order to allow persons who were desirous of disposing of their estates an opportunity of doing so. Its incompetency did not arise from any indisposition on the part of those who presided in that court, but by reason of a system which had grown up through a long series of years, partly arising from the complication of the system itself, and partly from the defective system with respect to incumbrances on land which prevailed in that country. A necessity for an altered state of things had now arisen; and instead of attempting to reform a system in which they would be met by the claims of a vast number of persons interested in fees derived from a number of offices of different descriptions, which it would be almost impossible accurately to ascertain, he thought it would be much more desirable to appoint three competent persons, who, by devoting their time and attention to the subject, might be able to lay down proper rules upon which to proceed; and see whether, by getting rid of every species of technicality, and looking in a broad and common-sense view at the whole question, they might not devise some plan by which they might deal in justice with the division of land, or the distribution, among those who were entitled to it, of the proceeds of the sale. The measure was but a temporary one, and no great evil could arise from its failure; but if by effecting, without due consideration, great changes in the Court of Chancery, they produced evil results, the injury might be irreparable. The duties of this commission, when appointed, would be confined to the consideration of two classes of cases—the disputed and the undisputed. The latter class of cases would, no doubt, be disposed of rapidly. In the disputed cases the commissioners would have the power of obtaining the assistance of all the courts in Ireland, in order to enable them to come to a safe and accurate decision on the subject. They would be empowered either to pay the money relating to the sale of disputed estates into the Court of Chancery, to be distributed by that court; or they would have the power, by summary jurisdiction, of dealing themselves with the interests concerned, and of obtaining the opinion of any one of the

courts of law to enable them to solve any question which might be essential to the due distribution of the property among the persons interested. He believed that if a similar plan were adopted to that of the commissioners in deciding on the West Indian compensation, of dividing the cases into the two classes of disputed and undisputed, there would be found to be very few, comparatively, that they could not decide upon at once. An objection had been urged to the efficacy of this measure, on the ground that there would be a difficulty in finding purchasers for the property. In his opinion, the contrary would be the result. There was, at present, no lack of sellers; and he felt convinced that the effect of the Bill would be to produce a large number of purchasers. He had received communications on this subject from a large class of proprietors in Ireland, and from various quarters, not only suggesting points for the improvement of the measure, but all expressing their sincere desire to see it carried into effect. There were other points which he might be desirous of referring to, but on that occasion he would not detain the House. With regard, however, to his own feelings, he must, before concluding, express the gratification he felt for the assistance he had received from a very old and sincere friend of his, Mr. Coulson, without whose great abilities and legal knowledge he should have found it impossible to have presented to the House a Bill which he really believed would carry into effect that which was the object of all parties, and which would be a useful and beneficial measure, though not alone able to carry into effect those reforms which they considered necessary to the regeneration and amelioration of the existing state of things in Ireland.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 117; Noes 12: Majority 105.

List of the AYES.

Adair, R. A. S.	Bromley, R.
Armstrong, R. B.	Brooke, Sir A. B.
Baines, M. T.	Brotherton, J.
Barnard, E. G.	Burke, Sir T. J.
Barron, Sir H. W.	Busfeild, W.
Bass, M. T.	Campbell, hon. W. F.
Bellew, R. M.	Clements, hon. C. S.
Berkeley, hon. Capt.	Clerk, rt. hon. Sir G.
Bernal, R.	Cobbold, J. C.
Blackall, S. W.	Cobden, R.
Blair, S.	Corbally, M. E.
Boyle, hon. Col.	Cowper, hon. W. F.
Craig, W. G.	Maule, rt. hon. F.
Crowder, R. B.	Melgund, Visct.
Cubitt, W.	Moffatt, G.
Currie, H.	Monsell, W.
Dalrymple, Capt.	Moore, G. H.
Damer, hon. Col.	Morison, Sir W.
Dawson, hon. T. V.	Nicholl, rt. hon. J.
Deedes, W.	O'Connell, J.
Devereux, J. T.	O'Connell, M.
Ebrington, Visct.	Oswald, A.
Ellis, J.	Paget, Lord A.
Evans, J.	Paget, Lord C.
Ewart, W.	Palmerston, Visct.
Fagan, W.	Parker, J.
Foley, J. H. H.	Patten, J. W.
Fordyce, A. D.	Peel, rt. hon. Sir R.
Fortescue, hon. J. W.	Pugh, D.
Fox, W. J.	Repton, G. W. J.
Greenall, G.	Rice, E. R.
Greene, J.	Rich, H.
Grenfell, C. P.	Roche, E. B.
Grenfell, C. W.	Romilly, Sir J.
Grey, rt. hon. Sir G.	Russell, Lord J.
Guest, Sir J.	Rutherfurd, A.
Hallyburton, Lord J. F.	Sadleir, J.
Harris, R.	Sheil, rt. hon. R. L.
Hawes, B.	Sidney, Ald.
Hayter, rt. hon. W. G.	Somerville, rt. hn. Sir W.
Headlam, T. E.	Stanton, W. H.
Heyworth, L.	Stuart, Lord D.
Hobhouse, rt. hon. Sir J.	Tenison, E. K.
Hobhouse, T. B.	Thicknesse, R. A.
Hood, Sir A.	Thompson, Col.
Howard, Lord E.	Thornely, T.
Humphery, Ald.	Townley, R. G.
Jervis, Sir J.	Trelawny, J. S.
Keogh, W.	Vane, Lord H.
Kershaw, J.	Villiers, hon. C.
Kildare, Marq. of	Wawn, J. T.
King, hon. P. J. L.	Williamson, Sir H.
Lacy, H. C.	Willoughbby, Sir H.
Langston, J. H.	Wilson, J.
Lascelles, hon. W. S.	Wood, rt. hon. Sir C.
Lewis, G. C.	Wyld, J.
Lushington, C.	Young, Sir J.
Macnaghten, Sir E.	TELLERS.
Martin, J.	Tufnell, H.
Masterman, J.	Hill, Lord M.

List of the NOES..

Bentinck, Lord H.	Richards, R.
French, F.	Spooner, R.
Grace, O. D. J.	Stuart, J.
Hayes, Sir E.	Turner, G. J.
Henley, J. W.	
Jones, Capt.	TELLERS.
Napier, J.	Dunne, Col.
Newdegate, C. N.	Grogan, E.

Main Question put, and agreed to.

Bill read 3°, and passed.

SUPPLY—MISCELLANEOUS ESTIMATES.

On the Motion for going into Committee of Supply,

SIR H. WILLOUGHBY said, he wished to put a question to the right hon. Gentleman the Chancellor of the Exchequer. In the report of the Committee on the Miscellaneous Estimates which sat last Session,

it was stated in the first paragraph that the Chancellor of the Exchequer having revised the estimates with the utmost care, had made reductions to the amount of 246,000*l.*, the total amount required being 3,700,000*l.*, instead of 3,946,000*l.* It now appeared from the papers laid on the table that 3,946,000*l.* had been spent. He would be glad to have this apparent inconsistency explained.

The CHANCELLOR OF THE EXCHEQUER was understood to reply, that formerly it was customary to vote the gross amount without including the fees, and that in the case referred to the vote included them.

The House then went into Committee of Supply—Mr. Bernal in the chair.

The following votes were agreed to:

110,117*l.* for superannuations and retired allowances and compensations to persons formerly employed in the public service.

4,100*l.* for Toulonese and Corsican emigrants, &c., and American loyalists.

2,000*l.* for the National Vaccine Establishment.

2,000*l.* towards the support of the Refuge for the Destitute.

On the vote of 8,990*l.* being proposed for Polish refugees and distressed Spaniards,

MR. REPTON said, he thought the time had come when, according to the promise of the Government, an end would be put to these Polish grants. After the speeches that had been made last Session, and the movement that was agitating the country in respect to financial reform, he was surprised that this vote should again appear in the estimates. When they looked at the prominent part the Poles had taken in the affairs of Europe, the impropriety of this vote became more glaringly perceptible. Every observer of the events of the day must have seen that no revolution had taken place in Europe in which the Poles had not taken a distinguished part—["Hear, hear!"]—he repeated, a very distinguished part, although he might differ from hon. Gentlemen opposite as to the estimate to be put upon their conduct. He did not deny but that there were many worthy and respectable men belonging to the Polish nation, and there was one in particular whose name ought always to be mentioned with respect in that House—a nobleman distinguished for his benevolent exertions in the sister country. But he thought the House had a right to know who were the persons who received the money, and by whom it was distributed. If men of distinguished position in the world of science or letters were made the recipients of the public bounty, their names were published, and he could not see why a sum of money should be voted, and that the House should be in perfect ignorance of who the persons were who received the grant, how it went, and who distributed it. If any one would go into the lobby with him, he would divide the House against this vote.

The CHANCELLOR OF THE EXCHEQUER had promised the House last year that an inquiry should take place into the application of this grant, and that those who were able to earn their own subsistence should be struck off the list. That inquiry had been made, and several names had been struck off in consequence, other persons had withdrawn their names, no vacancies which occurred were filled up, and after the present year no portion of the grant would be given to any refugees under a certain age. It would be, however, a hard measure to strike off all the names and discontinue the vote; and, indeed, the fact was as to many of these refugees that they must either be maintained by the charity of the nation, or be relieved by the parish in which they had lived as casual poor. He thought it far better that they should be maintained by the former mode, and that the grant should be gradually reduced in amount, as circumstances permitted. In the year 1847 the grant was 11,000*l.*; in 1848 it was reduced to 10,700*l.*; and in the estimates now before the House it was further reduced to 8,990*l.* After the reductions made during the present year, the vote would be reduced to about 2,800*l.*

MR. REPTON, after this explanation, would not divide the House.

Vote agreed to.

On the vote of 6,423*l.* for miscellaneous charges formerly on the civil list, the hereditary revenue, &c.

Mr. LUSHINGTON said that, early in the present Session, he had given notice of his intention to oppose so much of this vote as referred to the *Regium Donum*. It was his intention to have carried that project into execution. When the grant was proposed last year, a strong opposition was opposed to it, not only out of doors but in the House, and a division took place of a very strong and marked character as against that grant; and he supposed that the opposition then organised would have

been continued to this Session. He was, however, surprised to find that a perfect silence upon the part of the Dissenters had prevailed upon the subject during the present Session. Last year, several petitions were presented from influential bodies of Dissenters. This year, one solitary petition only had been presented, and that from an obscure village somewhere in Derbyshire. He felt, therefore, very much puzzled as to what course to adopt. It was not his business to meddle with the concerns of the Dissenters. If they relaxed in their exertions with respect to this grant, it was not his business to force the Committee to a division, upon what, to all appearance, they approved of. He personally felt some objections to the vote. He thought it exceedingly wrong to force upon the Dissenters a grant which they declared was so obnoxious to their feelings. Notwithstanding that, as they had not come forward this Session to present any petitions on the subject, he thought that he should offend the propriety of the House, if he were to come forward with any opposition to the vote. He begged leave, therefore, to withdraw the resolution of which he had given notice in the early part of the Session.

Mr. WYLD said, that the Dissenters had not relaxed their efforts; but they felt that, as that House was at present constituted, they could make but very little way with their opposition to the vote. From the return which had been presented to the House, for the year 1847, the recipients were—166 Presbyterian ministers, 443 Independent ministers, and 461 Baptist ministers; making a total of 1,070 individuals, each of whom would receive, supposing the grant, 1,695*l.*, equally divided, 22*s.* He hoped that the noble Lord at the head of the Government would consent either to abandon this vote now, or that he would promise not to insult the general dissenting body, by proposing it on a future occasion; if not, he should feel compelled to divide the Committee.

Lord J. RUSSELL said, he could not give the assurance which the hon. Gentleman required, because, so far was this sum from being forced upon the Dissenters, that Dr. Rees and other gentlemen who had the distribution of it, stated that they had many applications for it, and that it was, in fact, accepted as a matter of charity. The grant began in the time of George I., who was graciously pleased to make it out of the civil list; and Parliament, after settling the civil list, had since provided the sum required to make this grant good. It was quite impossible to contend that this grant had been repugnant to the feelings of the Dissenters from the time of George I., and therefore he could not give any promise that he should propose that the grant be withdrawn.

Mr. J. B. SMITH inquired whether there was any list of the dissenting clergymen who received these moneys?

The CHANCELLOR of the EXCHEQUER said there was not; but the hon. Gentleman would get all the information he desired if he would read the evidence given by Dr. Rees.

Lord J. RUSSELL observed, that the distributors of the money had no objection to furnish a list which might be referred to in private.

Mr. LUSHINGTON had no doubt that the recipients of the money did not object to its receipt, but the dissenting body generally did object. He hoped that the Committee would draw a distinction between those persons and the conscientious body to which they professed to belong. Dr. Rees was an interested party; and therefore, making due allowance for the frailty of human nature, his evidence did not possess the weight which otherwise would have attached to it.

Mr. WYLD wished to ask the noble Lord whether he knew a single congregation of Dissenters which acknowledged that its minister had received any portion of this grant? Though he was, from conviction, a member of the Church of England himself, he constantly got letters from Dissenters complaining of this grant being made, and it was to be observed that only the Presbyterians, Baptists, and Independents, participated in it.

Mr. BRIGHT thought the House would not be justified in assuming, because there were no petitions against this grant, that the opposition of the Dissenters thereto had been relaxed. He believed that there had not been the slightest change of opinion among them with regard to the grant; but after the discussion which had taken place last year, it was not probable that the Dissenters would come again to the House during the present Session. He thought it a most unconstitutional proceeding, and a grossly wrong course, that the Treasury should hand over 1,695*l.* to be distributed by parties of whom that House knew nothing, and who were not responsible to it. Dr. Rees might publish what

he liked with regard to the distribution of this fund; but he, for one, would not believe that there were 1,000 Dissenting ministers who were so mean as to receive these alms, or to accept of such a paltry sum as 22*s.* positively and openly as charity. If money were voted in charity by a board of guardians, a list was kept of those who received it; but here was a sum distributed by a person who was not responsible to that House, to parties whose names were not furnished to that House, or even, as it appeared, to the Treasury, which ought at least to have such a list. He believed that, as the noble Lord perfectly well knew, the first list that was published of the names of the recipients of this grant would be the last. He should without hesitation say that there ought to be an end to the practice of voting this money. Let there be an end to it, and the result immediately must be, that the several congregations would make up whatever might be necessary for placing their ministers in an honourable position. There were, it was said, upwards of 1,000 ministers receiving this money, who were not only unknown to their own congregations as recipients of it, but who were equally unknown to the Treasury; and the causes were likewise unknown which induced those ministers to be guilty of the meanness of accepting such paltry assistance.

MR. W. J. FOX observed, that this was the only grant of public money which seemed not to be acceptable to its nominal recipients. In his opinion, the money ought in the first instance to be offered to the known and acknowledged representatives of the Dissenting body, and no portion of it should be offered to any other class of persons; then it would be possible to ascertain whether the parties for whose benefit it was intended, were really disposed to receive it. He conceived that the present practice was open to very great abuse. Of course Dr. Pye Smith, and others with whom he was associated, were men altogether above and beyond all suspicion; but it was pretty well known that these votes were clearly open to abuse, and might at any time be rendered subservient to political purposes and undue influence. The money, instead of being given to aged or infirm ministers, was supposed upon pretty good grounds to reach the hands of youths who were only just entering on the ministry, or of men who, not possessing talent or information sufficient to procure them a good position as ministers, were obliged to eke out the means of their subsistence by pursuing other avocations. If it turned out upon inquiry that there were not now any very glaring abuses, yet it was well known that such things had been, and that they might arise again; therefore was it the duty of Parliament not to consent to any such vote as that now under consideration, the more especially as it was a manifest violation of the principles of dissent; and it must be against the feelings of any men in society (those, for example, who differed from the Dissenters) to contribute to that which they believed to be dangerous and bad.

MR. KERSHAW was quite of opinion that if the distribution answered to the description which had been given of it, it ought to be got rid of at once. The House, however, he hoped, would bear this fact in mind, that some of the religious denominations were in the habit of collecting from 50,000*l.* to 60,000*l.* per annum for the support of institutions of their own. Snrely such a body ought not to be involved in so petty a grant as the present; a grant to no one knew whom. In fact, there was every reason to believe that the money either went to unworthy persons, or did not go to Dissenters at all. It was really too paltry a sum to be given to any body of Dissenters; and there could be no doubt that congregations were anxious to reject it altogether. Independents, Baptists, Presbyterians, and all, wished to prevent their ministers receiving such sums as 20*s.* or 30*s.* He stood there as the advocate of the voluntary principle. His objection to the present vote was founded upon that principle; and he also objected to it because he could discover nothing about its application.

LORD J. RUSSELL said, it would be hardly possible to give the names of the persons on whom this money was bestowed. In the case of private alms, the hon. Member for Manchester would surely not expect that lists should be published. A person in narrow circumstances might receive 5*l.* if given to him privately; but he would probably reject such a gift if he knew that his name was to form one in a list to be published amongst the Votes of the House of Commons. He was very glad that the recipients of alms were not to be held up to the notice of the public. The names of the committee who dispensed the alms might be given, such as Dr. Rees, and eight others—three Presbyterians, three Independents, and three Baptists. As to

the Treasury, they exercised no influence whatever; they never inquired who received the money, nor did the receipt of it imply any connexion whatever with the Government.

Mr. BRIGHT said, they had eight or nine names, certainly; but such things, as the House well knew, were always managed by one or two persons. It was always a hocus-pocus affair. As to that illustration about a gift of 5*l.* being bestowed secretly, the noble Lord gave it to the House last year. It might be all very well to talk of secret alms when a man was giving away money of his own, but the case was different when they were dealing with the money of the nation. This Committee was not to give away 1,600*l.* or 1,700*l.* without letting the world know who received it. If the noble Lord were as much a Dissenter as he was reputed to be—["Hear, hear!"]—yes, he certainly was some time ago in the habit of attending a Dissenting chapel, until hon. Gentlemen opposite put a stop to it—surely, then, the noble Lord, supposing him to be as much a Dissenter as he was reputed to be, must know that it was not in the policy of that body to accept money under the circumstances in which this gift was made.

Afterwards Motion made, and Question put—

"That a sum, not exceeding 4,728*l.*, be granted to Her Majesty, to pay, to the 31st day of March, 1850, Miscellaneous Allowances formerly defrayed from the Civil List, the Hereditary Revenue, &c., for which no permanent provision has been made by Parliament."

The Committee divided:—Ayes 33; Noes 52: Majority 19.

List of the Ayes.

Blair, S.	King, hon. P. J. L.
Bright, J.	Lacy, H. C.
Brotherton, J.	Langston, J. H.
Cobbold, J. C.	Martin, J.
Cobden, R.	Mullings, J. R.
Drummond, H.	O'Connell, J.
Ellis, J.	Sandars, G.
Evans, J.	Smith, J. B.
Ewart, W.	Tancred, H. W.
Fagan, W.	Thicknesse, R. A.
Fox, W. J.	Thompson, Col.
Greene, J.	Thornely, T.
Harris, R.	Trelawny, J. S.
Henry, A.	Wawn, J. T.
Heyworth, L.	Willoughby, Sir H.
Hollond, R.	TELLERS.
Humphery, Ald.	Wyld, J.
Kershaw, J.	Lushington, C.

List of the Noes.

Adair, R. A. S.	Bagshaw, J.
Armstrong, R. B.	Baines, M. T.
Bass, M. T.	Matheson, Col.
Bellew, R. M.	Maule, rt. hon. F.
Blackall, S. W.	Mitchell, T. A.
Blakemore, R.	Moody, C. A.
Boyle, hon. Col.	Nicholl, rt. hon. J.
Busfeild, W.	Paget, Lord A.
Cowper, hon. W. F.	Paget, Lord C.
Craig, W. G.	Palmerston, Visct.
Cubitt, W.	Parker, J.
Denison, J. E.	Raphael, A.
Ebrington, Visct.	Rich, H.
Evans, W.	Romilly, Sir J.
French, F.	Russell, Lord J.
Frewen, C. H.	Rutherfurd, A.
Grey, rt. hon. Sir G.	Sheil, rt. hon. R. L.
Hawes, B.	Smith, J. A.
Hay, Lord J.	Somerville, rt.hn.Sir W.
Hayter, rt. hon. W. G.	Spooner, R.
Hobhouse, rt. hn. Sir J.	Stanton, W. H.
Hood, Sir A.	Vane, Lord H.
Howard, Lord E.	Wilson, J.
Jervis, Sir J.	Wood, rt. hon. Sir C.
Lascelles, hon. W. S.	
Lewis, G. C.	TELLERS.
Lockhart, A. E.	Tufnell, H.
Lockhart, W.	Hill, Lord M.

Original Question put and agreed to.

Mr. J. B. SMITH asked how much longer the descendants of Sir Thomas Clarges were to have 500*l.* per annum of the public money? Since this preposterous annuity had been granted by Charles II., the descendants of the grantee had received more than a million sterling of the taxes.

The CHANCELLOR of the EXCHEQUER said, that the grant was originally payable out of the hereditary revenues of the Crown, which were clearly at the disposal of the Sovereign for the time then being. These hereditary revenues had since been given up to the public for a consideration, but given up with all charges upon them; and the descendants of Sir Thomas Clarges were as much entitled to their annuity as any Gentleman in the House to his estates. The same equally applied to the sum annually voted to the widows and children of poor refugee French clergymen. Upon the establishment in this country of a French Protestant Church, after the revocation of the edict of Nantes, provision was made by the Crown out of the hereditary revenues for the maintenance of the widows and children of the successive ministers of that Church.

Lord J. RUSSELL said, that at the commencement of every reign the Crown might retain the hereditary revenues, or consign them into the hands of Parliament. The sums now under consideration formed part of the charges settled on the Sove-

reign, and could not be well refused by the House.

Vote agreed to; as were the following votes:—

1,000*l.* for the Foundling Hospital, Dublin.

12,093*l.* for the House of Industry, Dublin.

On the vote of 800*l.* for the Female Orphan House, Dublin,

MR. W. FAGAN said, this establishment was of an exclusive nature, it being required that the children who were inmates should be instructed in the doctrines of the Established Church. Now, in Dublin the proportion of the Catholic to the Protestant population was 5 to 1, and throughout Ireland 8 to 1, and he therefore considered that the Irish Catholics had a fair claim to a portion of this fund. He did not object to the vote, for he believed the House would not be unwilling to increase it, but he contended for such a distribution as would admit Irish Catholics to a participation in the advantages of this or similar establishments.

SIR W. SOMERVILLE said, it was true the institution was exclusively confined to Protestants, but he believed this was the only vote of the kind which Parliament was asked to sanction. The grant had been made for many years, and he thought it would be a great hardship to withdraw it. He might observe that the vote had been diminished by 200*l.* since last year.

MAJOR BLACKALL wished it to be understood that the institution was not entirely supported by Government money. An amount was raised from private sources nearly equal to the Parliamentary grant.

MR. W. FAGAN asked whether the Government would give any undertaking that the assistance offered to this establishment would be extended to others accessible to persons of all religious opinions?

The CHANCELLOR OF THE EXCHEQUER could hold out no such hope, as he was now taking steps to diminish the present grant as much as possible.

Vote agreed to; as were also the following votes:—

2,250*l.* for the Westmoreland Lock Hospital, Dublin.

800*l.* for the Lying-in Hospital, Dublin.

1,500*l.* for Dr. Stevens's Hospital, Dublin.

3,800*l.* for the House of Recovery and Fever Hospital, Cork-street, Dublin.

500*l.* for the Hospital for Incurables, Dublin.

On the vote of 37,183*l.* to defray the expense of Nonconforming, Seceding, and Protestant Dissenting Ministers in Ireland,

MR. TRELAWNY said, he thought that if the House sanctioned this vote, they ought to go a step further, and pay the Roman Catholic priests of Ireland. The vote was clearly not one of religious principles; but it was a question whether it would not be advisable to make some effort to secure the allegiance of the priests, as the friends of order in Ireland, by paying them in the same way that other dissenting clergymen were paid.

Vote agreed to; as was also the vote of 7,096*l.* for charitable allowances charged on the Concordatum Fund in Ireland.

MR. HAYTER stated, that he did not intend to propose the vote which stood next on the Paper—1,000*l.* for the Metropolitan Sanitary Commission. The vote of last year would, he believed, be sufficient to cover the expenses of that commission for the present year.

On the vote of 14,652*l.* for the expense of the General Board of Health,

MR. VERNON SMITH observed that, as this was a new vote, it would be extremely desirable to have some information with respect to it. He would like to know whether the present was to be a permanent vote.

The CHANCELLOR OF THE EXCHEQUER stated, that a portion of the vote was permanent, and that the other portion was an advance, to be repaid by the localities benefited.

MR. F. FRENCH said, he considered that the English Board had gone to work like men of business. They had found a total absence of all local preparations for the visitation of the cholera; but in consequence of the appointment of medical inspectors, and sending down officers to every locality where the disease appeared, not one half the expense had been incurred last year which was incurred in 1832.

MR. HENLEY called attention to some items in the estimate for expenses contemplated under the Nuisances Prevention Act, and inquired whether it was necessary to appoint two superintending medical inspectors?

The CHANCELLOR OF THE EXCHEQUER explained, that this vote was taken as a matter of precaution to meet expenses which might be requisite if the cholera should again break out; but it did not follow, because the vote was taken,

that the money would necessarily be expended.

MR. HENLEY: Then the vote ought to have been put under the head of "civil contingencies."

The CHANCELLOR OF THE EXCHEQUER explained, that the established rule was not to put any charge under the head of "civil contingencies," which could possibly be foreseen.

MR. VERNON SMITH thought the duties of the board were not defined with sufficient strictness. The last report they had issued related to the printing of the papers of that House—a very extraordinary subject, as it appeared to him, for such a board to interfere with.

Vote agreed to.

On the vote of 2,447*l.* for the salaries and incidental expenses of the Central Board of Health in Dublin,

MR. F. FRENCH said, this board was appointed under an Act of last year, which required the Irish Poor Law Commissioners to enforce by their officers the suggestions of the board. He believed, however, that the only step which had been taken had been the issue of a circular recommending the adoption of certain sanitary regulations in each poor-law union; but, except in Dublin, and one or two other large towns, no attention had been paid to those recommendations. The result had been that a great many cases of cholera had appeared, and, in the course of a very few months, no fewer than 5,000 persons perished from that disease in the city of Limerick. He did not think, however, that the Poor Law Commissioners were to blame. Between 300,000*l.* and 400,000*l.* was annually levied and expended in charity in Ireland; but the Commissioners had no power to establish an efficient control over the expenditure, and he was satisfied that at least 100,000*l.* of the amount was totally thrown away.

MR. MONSELL said, that the hon. Gentleman was mistaken in supposing that no precautionary measures were taken in Limerick in anticipation of the cholera. Every precaution was taken by the Poor Law Commissioners in Dublin, and by the Limerick board of guardians, and the deaths which ensued were not owing to their neglect, but to the reduced state of the population from destitution.

SIR W. SOMERVILLE said, it was useless for that House to pass Acts, or any board in Dublin to frame regulations, unless the local boards throughout the country set themselves vigorously to work to put those Acts and regulations into execution. With respect to the medical charities in Ireland, he was aware of their unsatisfactory state at the present moment, and he could assure his hon. Friend that the subject was not lost sight of.

MR. GROGAN inquired whether there was any probability of any general measure being introduced during the present Session relating to the sanitary condition of Ireland?

SIR W. SOMERVILLE said, that the subject was of great importance; but the great difficulty was, that it was almost impossible to apply to Ireland an effectual sanitary measure on account of the extreme poverty of the population. Nevertheless, the matter was still under consideration, and he had not abandoned the hope that, during the present Session, he might be able to lay on the table of the House a general measure on the subject relating to Ireland.

Vote agreed to.

The following votes were then agreed to:—

18,000*l.* to defray a moiety of the cost of executing certain works of navigation in Ireland connected with drainage.

838*l.* for works and repairs in the British Ambassador's house at Paris.

On the vote of 12,000*l.* towards defraying the expense of rebuilding the British Ambassador's house at Constantinople being proposed,

SIR H. WILLOUGHBY inquired what the whole cost would be of building this residence?

VISCOUNT PALMERSTON stated that the original estimate was 40,000*l.*, but he was afraid that the expense would exceed that estimate. In Constantinople it was impossible to find houses already built fit for the residence of European authorities, and all European ambassadors there lived in houses constructed by their respective Governments. The present expense was occasioned by the former residence of the English Ambassador, which was built of wood, being destroyed by fire, and the present residence was being constructed with stone.

SIR H. WILLOUGHBY was quite aware of the difficulty of getting a suitable residence in a city like Constantinople; but if they did not take care there would be no end to the expense, as the Turks had the greatest faith in our ability to pay any sum that could be extorted.

The CHANCELLOR OF THE EXCHEQUER said, that though he was afraid some unnecessary extravagance might have taken place in connexion with the construction of the Ambassador's residence, yet that now the most rigid orders had been sent out that no expense but what was absolutely requisite should be incurred; and he believed that building the house with stone would, in the end, be found an economical proceeding.

Vote agreed to.

On the vote of 16,000*l.* for militia and volunteers in Canada,

MR. VERNON SMITH observed, that this expense was essentially colonial, and ought to be thrown on the colony.

The CHANCELLOR OF THE EXCHEQUER said, that the vote was brought forward in consequence of pre-existing arrangements; but an intimation had been given to the Governor of Canada that it would not be deemed fair to continue it beyond the 30th of April next year.

Vote agreed to, as were also the following: — 7,300*l.* for lighthouses abroad; 3,000*l.* for Lybster harbour; 488,000*l.* for the Commissariat Department; 43,872*l.* for the Commissariat Department (half pay).

House resumed.

Resolutions to be reported To-morrow.

SUPPLY.

The report of the Committee of Friday last on Supply was brought up by Mr. Bernal.

On the vote of 3,540*l.* for defraying a portion of the expense of the Ecclesiastical Commission for England,

MR. VERNON SMITH excused himself for making an objection upon the report, which he had not offered in Committee of Supply, on the ground that the estimates had been so rapidly pushed through on the day immediately after the holidays, that a fair opportunity had not been afforded to him. There was a strong feeling abroad in favour of examination into these matters, and of economy, although it might not be participated in within the walls of that House; and he thought Her Majesty's Government would have done well to pay some deference to that feeling. This vote was one of the cases in which a complete disregard had been shown to the report of the Committee of last year, which was to the effect that

"As the duties of the persons for whose salaries this vote was proposed, was confined to the management of ecclesiastical property, the charge might fairly be defrayed altogether from the funds of the commission."

He contended that there was no better reason for placing this vote upon the public estimate, than any other charge for the management of private property.

LORD J. RUSSELL said, that his right hon. Friend was not quite correct in saying that the estimates had been brought in on the first day after the recess, for, an objection having been made, they were not brought in until the day following. With respect to this vote, he had given the reason for it several times in that House; and it had been for several years under the consideration of Parliament, and approved of. The ground upon which he had always rested this vote was the reason stated to him by the late Archbishop of Canterbury, after the appointment of the Ecclesiastical Commission. He (Lord J. Russell) had pointed out to the Archbishop the example of Queen Anne's Bounty, the expense of which was defrayed out of the funds of that bounty; but the Archbishop represented, and truly represented, that when that bounty was given, funds belonging to the Crown were surrendered to the Church, and out of those funds the Church could well afford to defray the expense; but that in this case there was no proposition to increase the funds of the Church. What was now proposed was not to augment the funds of the Church, but to make a different distribution, which was thought to be better as concerned a number of congregations and the lay interests of the community. Such being the case, it appeared that the public should bear the expense, rather than the special funds of the Church. That had been the statement of the Archbishop, and upon that representation he (Lord J. Russell) had, in 1836, placed the votes upon the estimates for the year. As the case stood at present, the House would consider what the consequence would be of requiring this vote to be defrayed out of ecclesiastical funds. It would be, that, *pro tanto*, those funds must be diminished, which were now applicable to the increase of spiritual instruction in many populous parishes. If there was a wish for economy abroad, there prevailed likewise a strong feeling in the public mind that the spiritual instruction of the people should be provided for by a distribution of ecclesiastical districts. Of course, then, the means of supplying these spiritual wants would be lessened by this sum of 3,540*l.* He thought,

however, that should it be found that the funds of the Church were very considerably increased owing to the different management of the property, and that in future years a considerable sum should remain at the disposal of the commission, then it might be right to alter the original arrangement, and to place a great part, perhaps the whole, of the expense of this commission upon the ecclesiastical funds.

MR. HENLEY said, that some years ago there was a great call for church extension, and the plan adopted was to lay violent hands on the property of other people. Now, having robbed them, the proposition was to make them pay for the distribution of the plunder. Now, without going into the question whether the spoliation had been right or wrong, those who had committed it had no right to complain of paying a small sum for the distribution of the spoil.

MR. VERNON SMITH would not press his proposition to a division.

Vote agreed to.

On the vote of 125,000*l.* for Education, Science, and Art,

MR. EWART trusted the Government would assent to the very reasonable proposition he had to make, which was—

"That a statement be made by a Minister of the Crown of the appropriation and results of the sums voted for education, as well as of the sums voted for the promotion of literature, science, and art, on the introduction of the class of estimates especially devoted to those subjects."

Statements were made for the Army and Navy Estimates, and he could not see why a statement should not be made on the more important subject of education, and also of the sums appropriated to science and art. He trusted another year would not elapse without such a statement being made to Parliament.

SIR G. GREY said, that he held a document in his hand, giving an account of the expenditure of the vote for education upon schools and teachers. The information desired by the hon. Member was given in an abridged form in the Minutes of the Committee, but the items of detail would be too numerous to be given in the Votes. He had prepared a statement with regard to the last year's vote for education; but it was, in fact, only an abridgment of details which were given by the Committee of Council on Education; and the House would observe, that this made the great difference between this vote, and the votes for the Army, the Navy, and the Ordnance. There had been expended, for the erection of 188 and the enlargement or improvement of 129 elementary schools, and for supplying 460 such schools with books and maps at a reduced price, 47,421*l.*; for the erection of three training schools for schoolmasters and schoolmistresses, 9,300*l.*; towards the erection of a Government training school at Kneller Hall for schoolmasters in union workhouses and in schools connected with public establishments, 18,546*l.*; for the stipends of pupil teachers (1,783 boys and 829 girls) apprenticed to the masters or mistresses of elementary schools, and for gratuities to those masters and mistresses for instructing them, 18,608*l.*; for augmenting the salaries of 63 schoolmasters and five schoolmistresses who obtained certificates of merit in 1847-8, 1,492*l.*; to ten training schools for nearly 200 students not having resided less than one year, who on leaving the institution obtained certificates of merit, 4,825*l.*; for grants to the National Society, British and Foreign School Society, and the Education Committee of the Church of Scotland, towards the expenses of training schools, 3,750*l.*; and towards the expense of emigration as a reward to boys from ragged schools, 1,500*l.* He could add that there was good reason to hope that the plan adopted was improving the character and attainments of schoolmasters and schoolmistresses, and raising the standard of education in the schools of the country.

Vote agreed to.

On the vote of 1,500*l.* for the National Gallery,

MR. VERNON SMITH wished to know whether the Government had made any better arrangement for the deposit of the pictures presented to the country by the late Mr. Vernon, than the cellar under the National Gallery, where the best pictures were hardly perceptible against the light; and could not in fact be seen at all, unless people went up quite close? Had the Government made any arrangement with the Royal Academy, or for the building of another National Gallery?

The CHANCELLOR OF THE EXCHEQUER replied, that he would be glad if better accommodation could be provided for the paintings; and the only reason why it was not so provided was, that it would occasion a greater outlay than in the present state of affairs he felt himself warranted in proposing.

Vote agreed to, as were the remaining ones.

AUSTRALIAN COLONIES BILL.

MR. HAWES said, that it was not his intention to occupy the time of the House at any length in introducing the Bill which he had now the honour to ask permission to bring in. Those Members of the House who had read the papers already laid on the table, would in a very great degree have mastered the details of the Bill which he had now to submit. That Bill was framed with the view of meeting the wishes of the colonists themselves, and, as far as possible, proceeded on the basis of the constitution which now existed in New South Wales. Some time ago, in 1847, his noble Friend at the head of the Colonial Department addressed a despatch to the Governor of New South Wales, raising the question of a new constitution for that colony, and holding out the constitution of New Zealand as a model. That despatch attracted much attention in the colony, and the opinion of the colonists was made known by resolutions adopted at public meetings, declaring that any change in the existing constitution would be unacceptable. His noble Friend, therefore, at once determined to abandon his own opinions—to defer to those of the colonists, and to frame a general constitution for the Australian colonies similar to that which now existed in New South Wales. That constitution consisted of a governor and legislative council of thirty-six, of which one-third were members appointed by the governor, and the remaining two-thirds elected by the people. This constitution had worked in a manner generally satisfactory to the colonists, as the papers on the table showed; and therefore, after much consideration, it was determined to adopt it as the basis of a future constitution for these colonies severally. The object of the present Bill was, therefore, to establish this constitution. In New South Wales a desire had long existed for a separation of a portion of that colony—the southern portion—Port Phillip, from the colony of New South Wales. The first object of the Bill was, therefore, to create Port Phillip a separate and distinct colony under the name of Victoria. The next object was to confer on all the Australian colonies, including New South Wales, Victoria, Van Diemen's Land, South Australia, and Western Australia—the latter conditionally—a constitution similar to that now existing in New South Wales. He said "conditionally" as regarded Western Australia, because, until it was in a position to defray the expenses of its own government, it was not thought expedient to confer upon it representative institutions. Another object was to create a federal union of these colonies for certain general purposes. It was intended that these colonies—having each separate and independent legislatures—should be empowered to elect certain members to form a general assembly of the whole union. This assembly would have its functions and powers defined in the Bill, the purpose being to confine these functions to defined and fixed objects, of what might be called imperial importance as regarded the united provinces. The general assembly would have power to establish a supreme court. It would have the regulation and management of weights and measures—of the post-office within the colonies; it would legislate on all matters concerning roads, railroads, and canals, traversing more than one colony—it would have the superintendence of beacons and lighthouses—and would generally have the regulation of all matters affecting the common interests of the colonies. The Bill also made provision for a civil list for the colonies. It was not indeed proposed to alter the civil list where it was established, as in New South Wales; but, on the other hand, it was proposed to give power to the legislative councils to alter its amount. It was proposed to give these bodies power to alter or reduce the salaries of the civil officers comprised in the civil list, by Bill, whenever they thought proper, with one exception. It was not proposed to give them power to alter the salaries of the governors or the judges without the sanction of the Crown. All other items might be altered by Bill, which would come into operation without any suspending clause, in the colony to which it applied. This power was not possessed by the New South Wales legislature. It was further proposed to give power to each governor to alter the distribution but not the amount of the civil list fixed for his colony by the general council. Another object of the Bill was to readjust certain sums which were now appropriated for the purposes of public worship. By the existing Act, a sum of 30,000*l.* was set aside for this purpose yearly in New South Wales, and was distributed according to certain proportions, which it became necessary to reconsider on the eve of new colonial arrangements. The Bill provided that the sum of 28,000*l.*

should be retained for New South Wales, and a sum of 6,000*l.* was allotted for the new colony of Victoria—an arrangement to which he hoped no objection would be made. In Van Diemen's Land a considerable amount, no less than 14,000*l.* or 15,000*l.*, was devoted to a similar purpose. It was, however, a convict colony, and anybody would see that in such a settlement it was necessary to take more ample means for the purpose of providing spiritual instruction than would be requisite under other circumstances. These sums were not devoted to any particular sect, or he should rather say that in New South Wales they were divided between Episcopalians, Presbyterians, Roman Catholics, and Wesleyans. In South Australia no such provision had hitherto been made, and it was not intended now to assign any particular sum for this purpose. Another object of the Bill was to amend the constitutional Act of New South Wales, as regarded municipal corporations called district councils. In 1842 these councils were created, and empowered to levy rates for certain local purposes. The Act establishing them, however, proved quite ineffectual; and it was now proposed to enable municipalities to dissolve existing councils, and apply, if they thought proper, for the creation of new ones, in such a manner as to lay the foundation of a sound system of municipal government. It was also proposed to give these colonies a very important privilege, not hitherto conceded directly by the Imperial Legislature. There was but one chamber in New South Wales. It was intended that in future the colonies should have the power of altering and varying their own constitutions, and, if they so pleased, of establishing two chambers, or adopting the old form of colonial government—that of a governor, a council, and assembly, in lieu of a governor and a legislative council. The colonies would thus have power to preserve their constitution in harmony with an enlightened public opinion. At the same time, it would be provided that any such changes before they took effect should be sanctioned by the Crown. Another great object of the Bill was to attempt to place the colonial trade on an equal footing between colony and colony, so as to place them in their commercial relations to each other on precisely the same footing as the counties of England. The general council or assembly would have power to amend the several tariffs as they thought fit. In the case of any of the colonies desiring an alteration in the tariff, they would have to proceed with an address to the Governor General of Australia—an office created by the Bill—who would have the power to summon the general assembly. As to Western Australia, that colony would not be included in the arrangements which he was enumerating; but a provision would be made in this Bill by which that colony would be admitted to the advantages enjoyed by the other colonies, so soon as it was in a condition to defray its own local expenses. He had now given a brief description of the Bill, the details of which, he hoped, would be found in strict harmony with the principles which he had indicated. He was aware that many desired that a different constitution should be given to these colonies—that the old form of colonial government of two chambers should be adopted; but this Bill proceeded upon the basis of leaving undisturbed the existing constitution of New South Wales—an arrangement which would be the most acceptable to three colonies out of the five. However, he repeated, that if the colonies chose to adopt another form of government, they would be at full liberty to modify the form of constitution under which they were to live, as their own interests might prompt them. He had only to add, that the Bill would be in the hands of hon. Members in a couple of days, and he hoped that its provisions would be well considered before any opinion was pronounced upon them. The hon. Gentleman concluded by moving for leave to bring in the Bill.

Mr. GLADSTONE said, that as this Bill would lead to considerable discussion in its progress though the House, it would be premature on that occasion to enter at length upon the subject; but he wished to offer one or two observations which occurred to him upon the statement of the hon. Gentleman the Under Secretary for the Colonies, the more so, as the observations which he had to make would be generally favourable to the principle of the Bill; for, in his opinion, both the Minute of the Privy Council and the Bill itself promised a considerable advancement in the principles of colonial legislation; and his object was to assist the hon. Gentleman in rendering the Bill as efficient as possible. Before, however, he adverted to the statement of the hon. Gentleman, he would allude to the state of the franchise in our Australian colonies, upon which the

hon. Gentleman had not touched. At present there was no franchise except in New South Wales; but he supposed that the hon. Gentleman intended to make some provision for the franchise in the other colonies. He apprehended no difficulty in doing so with regard to South Australia; but in Van Diemen's Land and New South Wales he saw very considerable difficulties. In New South Wales there already existed a very limited franchise, and he felt the difficulty of conferring those large powers of legislation which he admitted to be desirable, with a franchise so limited. He was not himself sufficiently acquainted with the state of society in those colonies to form any decided opinion as to the possibility of extending the franchise; but he should think that some provisions might be introduced for the purpose of extending it beyond its present limit, and he hoped that Parliament would not forego the present opportunity of conferring that extension, if it could with propriety be conferred. He fully concurred in the policy of giving free institutions to these colonies; but it would be productive of great danger and difficulty if they constituted anything like an oligarchy there, which possessed the character of freedom in relation to this country, but in relation to the great mass of the population a very different character. He would therefore wait, as to the subject of the franchise, until he saw the provisions of the Bill which the hon. Member was about to introduce. As to district councils, although he was inclined to think that it might be extremely well if there was something of the kind in Australia, he doubted if it was wise to go so far as the hon. Gentleman proposed; for the question of district councils was not quite *res integra* in those colonies; there was already a prepossession against them, arising from the total failure of the Legislature in its attempt to introduce them. He desired to carry the principle of local government as far as possible; but, since that mode of government was under a cloud, in consequence of the unsuccessful attempt which had been made, he doubted whether it was wise to impose those district councils upon the colonies by an Act of Parliament. The colonies knew nothing about district councils, except that they had been enacted by a law for New South Wales, but had never come into existence, and that even the name of them was extremely unpopular. He now approached a most important question—the constitution of the legislative body—whether there should be a double or single chamber; and, expressing no confident opinion, but stating freely what occurred to him on the subject, he hoped that something more would be done than the hon. Gentleman proposed towards suggesting to the colonies that form of legislation which was not only consecrated to our recollections and sanctioned by long experience, but which had received such new and marked testimony in its favour from the experience of the United States of America. The hon. Gentleman was acting, and he thought properly acting, on the public sentiment of the colonies, rather than on any abstract theory, however sanctioned by experience: the evidence of the sentiments of the colonies on the subject was very scanty, but so far as it went it was not unfavourable to the principle of a double chamber. Sir William Denison said, that under the peculiar circumstances of these colonies, he recommended the adoption of a second or upper chamber; and Sir Charles Fitzroy, writing on the 11th of August, 1848, with particular reference to the state of the colony of New South Wales, expressed his opinion that the general feeling of the community was that the introduction of a second chamber would be extremely advantageous; and New South Wales was the only colony where there was any *primâ facie* objection to a double chamber, because already there was in that colony a single legislative chamber. However, the utmost extent to which he would go would be to reverse the form of legislation which the hon. Gentleman proposed to adopt. The hon. Gentleman proposed to constitute, in the first instance, a single chamber, but with power to resolve itself into a double chamber; he, on the other hand, would propose to constitute in the colonies which had at present no representative institutions, in Van Diemen's Land, South Australia, and Victoria, a double chamber, with power to combine themselves into a single chamber; leaving New South Wales as it was, with a single chamber, but giving it the power to resolve itself into a double chamber, if such a proceeding was deemed requisite. The great anxiety, however, which he felt on this subject, was when he considered the constitution of the federal legislature; he felt that there must be great difficulty in working a federal legislature, unless it was constituted upon the principle of a double chamber. Nothing would afford a

stronger illustration of that than the admirable working of that principle of a double chamber in the United States. The effect of it was to bring different elements into play, and so to maintain the balance of power; and it would be with the greatest regret that he should relinquish the hope of bringing into play that same principle in all our colonies. In the Federal Legislature of America, one chamber was constituted by direct election; in it the population was represented according to its numbers; in the other the States were represented as constituting political unities; and thus many of the advantages which this country enjoyed from an hereditary aristocracy were obtained. The greatest difficulty, therefore, he felt to be with regard to the federal legislature; they were met at once by the difficulty, whether the representation was to be on the basis of population, or to be founded upon the notion of treating the different colonies as individual political bodies. According to the proposal of the hon. Gentleman, New South Wales would have half—twelve out of the twenty-five delegates; and although he admitted that New South Wales was entitled to a considerable share of the representation, it seemed to him, on the other hand, most important that the other colonies should enjoy a perfectly free and fair representation; and in no way could both objects be attained except by adopting the principle of a double chamber. He entirely approved of the proposal to confer upon the colonies the power of modifying their own constitutions, and their own civil lists; but he had some doubt as to the civil list of Van Diemen's Land—whether it should remain as at present. The salary of the Governor of Van Diemen's Land, though by no means too high in proportion to his duties and the importance of the situation, was certainly a very high salary if considered simply with reference to the colonial community; and though he was unwilling to increase the colonial charges in the estimates, he thought it not unjust that we should take upon ourselves and bear on our own estimates a portion of that charge. [Mr. HAWES: We do so.] If that was so, he was quite satisfied. Now, he hoped that, during the discussion on this Bill, the House would be informed what were the views of the Government as to the bearing of this measure on the question of transportation. He was afraid that that was the great difficulty of every Government in the matter of colonial legislation; for, no doubt, there was great difficulty in uniting free institutions with a system of transportation to any great extent; but the hon. Gentleman not having alluded to that subject, he would not further advert to it, except to express his hope that the views of the Government in reference to it would be stated to the House in the course of the discussions on the Bill. There was only one other point on which he wished to make an observation, and that was an observation more in the nature of an objection than any that he had yet made. On the other points he had not yet pretended to express any decided opinion, which he should not feel himself at liberty to qualify hereafter, or which he should feel inclined to press against the deliberate opinion of Her Majesty's Government. He confessed that he did not understand that passage of the report of the Privy Council which recommended the establishment of one uniform tariff in the Australian colonies by Parliament. He thought there was great danger in any such proposal; for it was an extension of the sphere of Parliamentary legislation. Parliament had not hitherto interfered with the customs regulations of these colonies. Although in some instances Her Majesty had been advised to refuse Her consent to such regulations, no direct Parliamentary interference had been attempted. He entirely granted that uniformity in the colonial tariffs would be productive of great advantages, and he should be glad to see the different colonial constitutions embrace that view of the matter by legislation of their own; but he was extremely unwilling, when he saw no intolerable inconvenience, there being now a very considerable commerce carried on between these colonies: in the absence, therefore, of any overruling necessity, he should be extremely unwilling to extend the sphere of Parliamentary legislation by direct enactment; and there was a still further objection to that proposal, because the power of altering that uniform tariff was to depend upon the general or federal legislature: the general or federal legislature was to have in its hands the whole subject of the customs duties, and might enact one tariff for New South Wales, and another for Van Diemen's Land, as there were different duties upon spirits in England, Scotland, and Ireland; but no other body could make those changes, and, therefore, whilst Parliament was now invited to proceed to direct legislation on this subject, the colo-

nial organ which was to have the control of these tariffs was not to be called into existence until a contingency happened which might never arise, for the federal legislature was not to assemble until two of the colonies should concur in summoning it to meet. This uniform tariff might consequently remain in force for a considerable time; it would probably excite great jealousy and irritation of feeling amongst the colonists, and seriously mar the grace which this proposed measure would be understood to confer. He had no further observations to make upon that occasion; with respect to those which he had made he had spoken freely what occurred to him, and he hoped that the spirit in which his suggestions had been offered would not be misunderstood.

MR. VERNON SMITH agreed with the right hon. Gentleman, that a discussion of the proposed measure at that time would be premature; and he also agreed in almost all the other observations which that right hon. Gentleman had made. Certainly one very great difficulty was in the formation of the federal legislature; and it was a very momentous question whether it should consist of a single or double chamber. He believed that the hon. and learned Member for Sheffield, in his book on the colonies, had given his decided opinion in favour of a double chamber, founding that opinion upon the experience of its good effect in America, and of the bad effect of a single chamber in France; and he (Mr. V. Smith) hoped that the Government would pause before they determined on establishing a single chamber in those colonies, and especially a mixed chamber, composed partly of representatives and partly of nominees, which wanted altogether the democratic principle of a single chamber. Indeed, he viewed with great apprehension the notion of a federal government at all; for he believed that the distances which it would be necessary to travel, and the difficulties of communication, would render it much less easy to work in Australia than it was in the United States. The right hon. Gentleman had not alluded to the proposed alteration as regarded the churches; but that was a considerable alteration in principle. The present principle was, to pay a stipend in proportion to the voluntary contributions of the different sects. [Mr. HAWES: Only in South Australia.] He understood it to be proposed now to divide the sum between them according to the last census; and that no alteration of the population afterwards should make any difference. [Mr. HAWES: No, no!] Then he had misunderstood the proposal, and would wait till he saw the Bill. His principal reason for rising was this, to warn the House that the great danger of making these experiments was the manner in which they might affect the colonists themselves. He should not object to making the experiments, if they were not dealing with the interests of men who were at so great a distance, of whom they knew little, and who were extremely jealous of interference on the part of the British Parliament. But it was clear that amongst the colonists there was not the slightest notion of this attempt to impose upon them a federal government. They would see in the papers laid before the House that a petition had been presented from New South Wales, praying that they would not grant any constitution to the Australian colonies which had not received the sanction of the colonial legislatures. He did not mean to say that they were bound to pursue that course; but he did think it might be wise to ascertain whether the proposed measure was likely to be received by the colonists themselves with anything like a unanimous feeling; because, if not—however desirable it might be to legislate on the subject—it might be better to wait for a year or two. If this measure was not likely to be received with unanimity, he would ask where was the difference between it and the scheme of the hon. and learned Member for Sheffield, which was objected to by the Government the other evening? The objection made to that scheme was, that the English Legislature ought not to pass such a Bill without the consent of the colonies. He would not say that this Bill would be rejected by the colonists. It might probably be assented to by them; but he thought that they ought to wait until that fact could be ascertained. Some of the colonies had an objection to the system of combination, especially Port Phillip, where the inhabitants had refused to elect a representative, or rather, in mockery, had elected the noble Lord the Secretary of the Colonies himself. If, therefore, the Bill was not acceptable to the whole of the colonies, it might be productive of considerable mischief, instead of good. Again, they would find that for New Zealand a Bill had been sent out from this country, which the Government found it would be impossible to carry out, and it had to be altered. Such a state of things

ought to be avoided: though he had no doubt that the noble Lord at the head of the Colonial Office had assented to the scheme with a view of promoting the happiness and good government of the colonies, yet he must urge upon the noble Lord not to press it forward until the opinion of the colonists themselves, relative to it, could be ascertained.

Mr. M'GREGOR considered the measure which had been brought forward by the Government the most liberal which had ever been offered to the colonies. With respect to their legislative powers, the colonists were, under the Bill, to have the whole management of the civil list, with the exception of the settlement of the judges' salaries and that of the governor. He considered that provision of the Bill so founded in wisdom that it would be impossible for the colonists not to accept it. With respect to the question of federal governments, the various colonies were to have separate local governments, excepting on matters which concerned the interests of all; and he believed that no difference would exist as to the policy of that provision. With respect to the tariff, he apprehended that each colony would have the power to regulate the scale of its own tariff, the federal government only interfering to see that the measures of one colony did not interfere with the interests of another. As a whole, he considered the measure most liberal and just; and, as such, he trusted it would be accepted by the House.

Mr. J. E. DENISON acknowledged the extreme importance of the measure, and trusted that full time would be given for its consideration before it was passed into a law. He was sorry to observe, from what had fallen from the right hon. Gentleman the Member for the University of Oxford, that great difference of opinion existed on the measure. He would not then enter upon the question of the establishment of a federal government, or whether there should be a single or double house of legislature, except to bear his testimony to the extreme importance attached to the double legislature in the United States. There were so many questions of importance in the measure, that he did not know whether those which had been alluded to, or those which had been omitted, were the most important. The hon. Gentleman who spoke last had said that the local legislatures were to have the management of the civil list. Now, he wished to know whether that power was to extend to the management of the land fund? Whether the local legislatures were to have the power of deciding at what prices the public lands in the colonies were to be sold, or whether every acre—good or bad—favourably or unfavourably situate, was to be sold, independently of those legislatures, at an upset price of 1*l.* per acre? He wished to be told whether that matter was to be left to the local legislatures—to that House—to each colony individually—or to the federal legislature, if one ever met?

Lord J. RUSSELL: Sir, in answer to the question of my hon. Friend, I beg to state that there is an Act of Parliament, passed some time ago, with regard to the price of land; and I conceive that it will not be in the power of the New South Wales, or any other colonial legislature, to alter an Act of Parliament. Whether or not they should get that power, may be a proper question for discussion when this Bill is farther advanced. I shall not discuss the measure at the present moment. I have heard with great interest the speech of the right hon. Gentleman the Member for the University of Oxford, making various suggestions; and I think it is better not to give a decided opinion upon those questions at the present moment, but to leave the whole of them for discussion afterwards. With regard to one point on which the right hon. Gentleman has laid considerable stress—a point certainly of considerable importance—whether there shall be one assembly, or whether there shall be a council and an assembly, as we have in our older colonies, I think the right hon. Gentleman has hardly laid sufficient weight on the objection which the people of New South Wales have made to the proposition of a council and assembly. The right hon. Gentleman says that in the United States the institution of the Senate is of the greatest importance, and is most valuable in maintaining harmony in the whole of the States, and in the general working of the constitution. I quite agree with him; and I think that if you could form such a senate as that of the United States, it could not fail to be of the greatest value; for I consider that the good working of the constitution of the United States is mainly owing to the particular form of the Senate. But those who hesitate to constitute such a body in New South Wales, say that the whole value of a senate or a council depends upon the ele-

ments out of which it is composed; and they say that when they can find in the colonies such eminent men as the United States have sent to this branch of the legislature, and with the same character as legislators—because these men are remarkable for talent and character, and for their weight and consideration in their respective States—when you can find such persons, there can be no doubt that they, meeting together, would form, in combined shape, an institution of great weight and authority. But they who object to the formation of such a body in New South Wales, say we have no such materials out of which to form a council; and if we have no such materials—if we have no class of persons among us who, from their property, and the consideration in which they are held in their respective neighbourhoods, would form a body to whose decisions independent men would bow, then we should in their place have a council composed of the mere nominees of the Crown, and of persons holding office, who would interpose between the executive and the assembly, taking from the executive the responsibility of putting their veto on the acts of the assembly, and at the same time their acts would not have that weight which the property and personal character of the members might give. That is a question which I think depends very much upon the state of society in a particular country. I do not think that in all our colonies of North America, the constitution works equally well. I know that in Lower Canada a similar body which was framed by the Crown, with a view to interpose a barrier between the executive and the assembly, was found to be of little use, because they did not carry with them the sentiments of the people at large. At the same time I agree with the right hon. Gentleman that in New South Wales there is a great balance of opinion—the feelings of different parties are very close, and it is a point on which we should not hastily pronounce a decided opinion. Those who object to a council and an assembly—who are in favour of only one assembly—say that some years hence, perhaps, it may be desirable to have two houses, but that constituted as society now is, one house would be preferable. I am quite willing to leave that and the other matters as subjects for further consideration.

MR. J. E. DENISON explained, that he had not asked whether the colonial assemblies could override an Act of Parliament, but whether the Act itself would be modified to give them powers.

CAPTAIN HARRIS thought this a most unpropitious time to propose new constitutions, when the minds of men throughout the world were so unsettled on these points, and that by submitting different forms of government for the option of the colonists, they were throwing an apple of discord amongst men who, from their habits and pursuits, had neither inclination nor leisure for their arguments. Ministers should have profited by their failure in New Zealand, and abstained from these crude experiments until a few years more of the development of these colonies would enable them to decide upon the best form of constitution.

Leave given.

Bill to be brought in by Mr. Hawes, Lord John Russell, and Mr. Labouchere.

The House adjourned at a quarter before Twelve o'clock.

HOUSE OF LORDS,

Tuesday, June 5, 1849.

MINUTES.] PUBLIC BILLS.—1ª Incumbered Estates (Ireland).

Reported.—Bankrupt Law Consolidation.

PETITIONS PRESENTED. By Lord Stafford, from Chichester, for Extending the Jurisdiction of County Courts.—By Lord Stanhope, from Almondbury and Lockwood, against Granting any New Licenses to Beer Shops; also from Arderley, for an Alteration in the Poor Law.—From Pudsey and Dovor, against the Sale of intoxicating Liquors on Sundays.—From Birmingham, for a Restoration of the ancient Standard of 1816 respecting the Price of Gold and Silver.—By Lords Campbell and Brougham, from Glasgow, Plymouth, Manchester, and several Manufacturing Towns, in favour of the Bankrupt Law Consolidation Bill.

BANKRUPT LAW CONSOLIDATION BILL.

LORD CAMPBELL rose to present a petition from a large commercial city on a subject of very great importance that was about to be brought under their Lordships' notice. The petition was from the city of Glasgow, and was signed by names of the first respectability in that great commercial city, and would have been signed by a much larger number than it had been if time were allowed. The petitioners stated that though they did not reside within the realm of England, yet they viewed with very great interest the improvements that were proposed to be made in the English law of bankruptcy by the measure now before their Lordships, and they prayed that their Lordships would, with all convenient speed, pass that Bill into a law.

LORD BROUGHAM said, he had had

some correspondence with these Glasgow petitioners, and he could, therefore, bear testimony that the allegations of his noble and learned Friend with regard to the position of the petitioners were strictly correct. Though they were few in number, yet they were of great weight and value. It was quite a mistake to suppose that persons in their position had no interest in the bankruptcy law of England; for, in consequence of the mutual trade that subsisted between Scotland and England, they had the greatest possible interest in the law of debtor and creditor being put upon a proper footing in England. He would only add that these petitioners were not themselves alone, but that they were the exponents of the feelings and interests of a large class of their fellow-subjects. His Lordship then presented a great number of petitions upon the same subject. The first petition was from the borough of Manchester, and was signed by 3,918 persons, all of them in the highest position as merchants and traders in that city. As a proof of the interest which was taken in the question in that city, he might state that a subscription had been entered into to defray the expenses which the committee had been put to in collecting evidence, &c., and in ten minutes the sum of 1,000*l.* was subscribed. He might also add, that, though the bankers were not, as a class, much interested in the bankruptcy laws, except from their goodwill towards the trading community in general —for, it was to be observed that bankers were the debtors of their customers, and never their creditors, except in the rare case of a customer being permitted to overdraw his account, or having his bill dishonoured — yet, notwithstanding this, eighteen London bankers had subscribed ten guineas each towards defraying the necessarily heavy expenses of the London committee. There was another petition from the Chairman and Committee of Management of the London Association for the Protection of Trade. The next petition was from the borough of Salford, signed by 826 persons. There was another petition from the Manchester Association for the Protection of Trade. Another petition was from the bankers, merchants, and traders of this metropolis. There were also petitions from the merchants and traders of Plymouth, of Coventry, and of Dudley. In proceeding to move that this Bill be recommitted, he said he had so often trespassed upon the attention of their Lordships upon this subject, that he would refrain from troubling them now at any length. Their Lordships were aware that the Bill was prepared in the early part of last Session, and that it consisted of two parts: the first being a consolidation of all the different statutes relating to bankruptcy now in operation, consisting of 375 parts, and presenting a valuable digest of the whole. The next was the improvement of the bankruptcy law as it at present existed; and while he admitted that it might be susceptible of still further improvements—for where was the human measure that was not?—yet he should be doing great injustice to his measure if he did not say that it contained important and most valuable improvements. In the first place, it simplified and extended those parts of the present bankrupt law which related to the prevention of undue dealings with the property of bankrupts, and would render the task of further improvement more easy and practicable. In the next place, there was a very important improvement to prevent fraudulent concessions, preferences given to creditors who might be personal friends, and preferences given to creditors who had no claim to relationship, but who—which was a most gross species of fraud—who undertook to pay the bankrupt tradesman for the preference; and, lastly, preventing the giving a preference to the bankrupt's family relations, which often went to a great extent. As an instance, he might mention a case which had come before his friend, Mr. Commissioner Fane, where the mother of the bankrupt claimed for a debt—probably a fraudulent one—to the extent of 1,500*l.*, and a preference was given to that party at the expense of the other creditors. All this had been carefully sifted, attended to, and guarded against, so as to make these cases scarcely possible to occur under the new system. Another improvement was, that certain acts of insolvency, which formerly did not make a man bankrupt would now make him one. The next improvement was the jurisdiction of the Bankruptcy Court. He had rejected the principle of rotation of officers—that was, that when a vacancy occurred in the metropolis the senior commissioner in the provinces was to be promoted to the vacancy. He had rejected this, because he felt that a man might be a very good commissioner at Exeter, where there were probably not more than twenty or thirty cases a year to try, and yet might not be

fit for a commissionership in London, where he would have 200 or 300 cases in a year. But he also objected to it on the ground that they ought not to fetter the Great Seal in his appointment of officers. Where selection was prevented, there responsibility ceased; and how could they complain of a bad appointment, or hold the Lord Chancellor responsible for it, when he was obliged to appoint the name thst stood first in the list of rotation? He had, therefore, got rid of that principle altogether, and left the Lord Chancellor unfettered in his appointments, and therefore fully responsible for his selection. The same principle was observed with regard to the registrars. Another improvement was, that he abolished the increase of 500*l.* given to the chief commissioner, and 300*l.* given to the chief registrar, as he could see no possible reason why they should have that increase of salary; and, farther, he proposed to reduce the number of commissioners from six to four. He did not think that was too great a reduction, as the commissioners at present only sat on the average two days a week, and the reduction of their number which he proposed would not make them sit more than four days a week. He had at one time thought of reducing the number to three; but though he believed that three commissioners could do the work sufficiently well in ordinary times, yet if there were again to come—which God forbid! but which might come at any moment—another commercial crisis, the commissioners might then be overwhelmed with business, and therefore he did not think it would be wise to reduce the number to a bare adequacy to discharge the ordinary duties of their position. He had therefore, with the approbation of his noble and learned Friend who now held the Great Seal, struck out of the Bill the clauses relating to the increase of salaries to the chief commissioner and the chief registrars, and had inserted clauses reducing those officers from six to four. To the proposition for restoring arrest on mesne process, he had not been able to give his consent, although many of the petitioners had strongly urged it. The next point was, in relation to the course of the legislation for some years past respecting debtor and creditor. For many years past the direction of their legislation had been to provide for the debtor at the expense of the creditor. Debt, if innocently incurred, was a misfortune, and not a fit subject for imprisonment as a punishment. Both now and in the former Bills he had introduced into the House of Commons, he had always kept three points in view for which debtors ought to suffer imprisonment—cases of fraud; cases of contumacy, such as refusing to answer questions, or to give up property; and cases of gross extravagance, in contracting debts where the parties had no reasonable prospect of paying, which was a case of fraud, though it was not usually so denominated. In all these cases there was crime, and therefore he thought imprisonment was a fit and proper punishment. This power of imprisonment had been carefully considered by the Committee which sat last year, and the result had been that a considerable change had been made in the Bill which was submitted this year to a Select Committee—a change which would give a more efficient remedy to the creditor, and would be a greater infliction on the debtor, but only in those cases where too much lenity was formerly exhibited towards him. *Primâ facie* the creditor was in the right, and the debtor in the wrong. *Primâ facie* the creditor was the injured, and the debtor the injuring, party. The presumption was against the debtor, and in favour of the creditor; and hence in the present Bill he had acted upon the principle of giving the creditor all the help he could to recover his debts; for it was quite clear that the creditor suffered even where there was innocence on the part of the debtor, and therefore his case most deserved the attention of the Legislature. Having given this outline of the measure, he would now give a short outline of its history in this House. The Bill, as he said, had been introduced in the early part of last Session; and the committee of merchants and traders who watched the Bill, were for some time at issue with himself and some of his noble and learned friends. The committee wished to restore arrest under mesne process, under certain and very great restrictions; but, after mature consideration, he could not consent to that course. No doubt the arrest under mesne process was very convenient to the creditor, because it enabled him to arrest the debtor before his means were altogether exhausted. But then it gave him too much. If a man were arrested and threatened to be carried off to a sponging-house, where he must be for two or three days to give notice of bail, he would rather pay all demands, however exorbitant, than be liable to such restraint;

and besides, the feelings of relations were worked upon, and they paid for him. He therefore objected to the restoration of the arrest under mesne process, and the consequence was, that for some time there was a species of histility—of a very mitigated kind, it was true—between the committee and himself. The Bill was referred to a Select Committee, and he (Lord Brougham) obtained leave that the objectors should attend the Committee—that they should bring forward as many witnesses as they pleased—that they should cross-examine the witnesses on the other side; and he (Lord Brougham) aided them, by endeavouring to bring out points in their favour from some of the witnesses. They had thus all the practical advantages of being themselves members of the Committee; and the result was, that at the end of the investigation there was an almost entire agreement in favour of the measure as it now stood. The Bill as thus amended was printed at the end of last Session, and was allowed to stand over for further examination. In the course of this Session, the Bill was again referred to a Committee, which proceeded in the same irregular but highly convenient way; and the consequence was, that they came to a full and entire agreement respecting the Bill. There was then a further delay, in consequence of petitions being presented from Liverpool, Manchester, and from the Law Association, begging further time for deliberation. He (Lord Brougham) thought they had had plenty of time for that already; but he did not object. He had the Bill printed at the close of last Session; on the first night of the present, he had reintroduced it, and got it referred to a Select Committee. That Committee had been attended by many gentlemen from the provinces—from Manchester, Liverpool, Leeds, Sheffield, and Hull. Many new suggestions were made to the Committee. They were discussed and rediscussed. Those that were valuable were accepted; those that were not so were rejected; and, at last, all parties came to this conclusion, that the Bill, as it now stood, was entitled to the entire, and unanimous, and hearty approval even of those who had at first opposed it. Only one alteration of importance had since been made in it. He had acceded to the objection made by his noble and learned Friend who held the Great Seal, against the creation of an intermediate court of appeal from the decision of a single commissioner. There might be too great a leaning among the commissioners, from courtesy to each other, to confirm their own decrees, and therefore, as he had agreed to dispense with a fifth commissioner, he also agreed to the proposition that there should be an appeal to such one of the Vice-Chancellors of the High Court of Chancery as the Lord Chancellor should appoint from time to time to sit in Bankruptcy. He then proceeded to explain the reasons which had induced the Committee first to introduce into, and afterwards to strike out of, this Bill the clauses which were generally known by the name of the "Deadmen's Clauses." If an insolvent trader happened to die after a fiat was struck against him, his estate could be administered as that of a bankrupt; but if he died before the fiat was struck, no such remedy could be had by his creditors, and their only resource was a creditor's suit, which was a very irksome and very expensive proceeding. To remedy this state of things, he had introduced the "deadmen's clauses." His noble and learned Friend had objected to them on the ground that, if they were made law, there must be a creditor's proceeding and a bankruptcy proceeding too. He had given in to that objection, and had struck out in consequence the "deadmen's clauses." His noble and learned Friend (Lord Cottenham) had pledged himself to provide a remedy for the inconvenience of which he complained; and as a substitute for the clauses which he had struck out, proposed that in the case of a trader only a petition should be presented, without filing a bill or answer subject to the rules in the Master's office, and the practice in the Court of Chancery. The Bill as it now stood had met with the most entire concurrence of the respectable classes in both town and country, to whom he had before referred. They were most anxious that it should at once pass into a law; and some parties in the country, who had been anxious for the adoption of the amendments now introduced, had even declared that they would prefer having the amendments omitted, than that the Bill should be delayed beyond the present Session. The importance of the subject would be apparent when he mentioned the startling fact to their Lordships that upwards of 50,000,000*l.* a year was lost in this country by bankruptcy and insolvency. Much of this loss was, no doubt, owing to the distressed state of the times, and the convulsed state of Europe; but beyond doubt much of it was owing to

the bad state of the laws affecting bankruptcy and insolvency. He considered that two most important effects would be produced by this Bill on trade, and on the morals of the community. In the first place, the trader, who must give credit to a certain extent—for without credit trade could not be carried on—would in future give a more limited extent of credit, and would be more cautious in his transactions; while, on the other hand, the debtor, finding the much greater stringency of the law as affecting his proceedings, would find himself compelled to greater honesty, and to greater care and prudence in his transactions, and would feel the necessity of squaring his expenses somewhat more accurately by his means than before. He should have greatly grieved if the adoption of any more stringent measure against the debtors would have led to any greater carelessness in the granting of credit; but in the present Bill, they had, he believed, hit upon the right medium, though, of course, if any further improvements should be suggested hereafter, they could be adopted; and he, for one, would be among the first to give them his best consideration. Before concluding, he felt that he should act unjustly, if he did not give praise where praise was due, and if he did not mention the name of that most meritorious officer of the Bankruptcy Court, Mr. Miller, by whom the invaluable digest of the bankruptcy laws had been drawn up. That gentleman had done a work that many commissioners would have failed to do, in forming an able digest of the entire of the laws affecting bankruptcy in this country. He had only to add that he had received a communication from the Lord Chancellor that day, stating what he had already mentioned to their Lordships, with regard to the amount of salaries; and, with the support of his noble and learned Friend to the measure, he trusted that at this late period of the Session no unnecessary delay would be offered to its further progress.

House in Committee on recommitment.

The MARQUESS of LANSDOWNE expressed the great satisfaction he felt at hearing from his noble and learned Friend that he thought himself justified in introducing such alterations into the Bill as did not affect its spirit—[Lord BROUGHAM: Its principle]—alterations which had insured the support of his noble and learned Friend the Lord Chancellor, and the best and most learned authorities in that House. So amended and so altered as he had no doubt the Bill would be, he felt, with his noble and learned Friend opposite, that it was of the utmost importance that it should advance without any delay, and should become the law of the land before the end of the present Session. Dry as the details of the Bill might be, they involved considerations of a most popular character, involving as they did the most intimate relations of society, into which they would introduce the most sound and practical amendments; for, when he was told that no means now existed for separating the honest from the fraudulent debtor, and when he found the difficulty to be so great of bringing to account that mass of persons unfortunately so considerable in this country, namely, dishonest debtors, who preyed on the resources of the community; and when he found, as was stated by the noble and learned Lord, that the bad debts of every year amounted to no less a sum than 50,000,000*l.*, an amount sufficient to shipwreck the fortunes of any other country, and attended with a salvage which did not exceed a fourth or fifth part of that large sum—he could not but feel that any attempt to remedy such a state of things, founded as it was on the experience of various bodies of men from all parts of the country, all uniting in approbation of the present measure, was an object of the highest public importance to the country. It was also a matter of the highest social importance; and one of the provisions of this Bill, which he viewed with the highest approbation, was that in which a mode was prescribed for separating debtors into three classes—the virtuous debtor, whose bankruptcy arose from unavoidable losses and misfortunes; the unfortunate debtor, whose conduct was, nevertheless, satisfactory; and the spendthrift, the outcast, the speculating and the fraudulent debtor, whose conduct was not satisfactory, and whose bankruptcy did not arise from unavoidable misfortunes. The commissioners were hereafter to distinguish in their certificates the bankrupts who were not to blame for their misfortunes—those who were unable to meet their engagements, but whose conduct was not blameworthy—and those who preyed on the interests of society, and sacrificed individuals, and even bodies of men, to their own dishonest and nefarious projects. Such a change in the law would work a beneficial effect in the constitution of society itself. Considering, therefore, that the machinery of this Bill, approved as it had been by his

noble and learned Friend who generally sat on the woolsack, was a machinery which would be attended not only with economy in its own administration, but also with a larger economy to those individuals who were to be benefited and saved by its operation—considering, also, that it would be subject hereafter to any improvements which experience might suggest, he did hope that it would be received as a boon of great value by the commercial interest; and, hoping so, he trusted that the House would pass it through all its stages with as much speed as possible. He gave his entire concurrence to the Bill, and thought his noble and learned Friend entitled to public gratitude for the laborious attention which he had bestowed upon it.

Lord WHARNCLIFFE must give expression to the gratification with which he had listened to the speech of the noble Marquess in support of this Bill; for the approbation and assistance of the Government in a measure like this were of the very first importance. He hoped, therefore, that the Bill would proceed with rapidity through its other stages in that House; and that when it reached the other House of Parliament it would receive from the Government such support as would insure its passing into law even at this late period of the Session. The noble Marquess had alluded to the economy of this plan; but had not declared exactly the amount which would be saved by it to the public. He would therefore state that, on a balance of the reductions made in some quarters, and of the augmentations made in others, there would be a saving to the public of not less than 12,000*l.* a year. In addition to this, the Bill would introduce the most essential improvements into the law of bankruptcy. He concluded by expressing his entire concurrence in the views of his noble and learned Friend (Lord Brougham), and his great gratification at the approbation of them expressed by the noble Marquess.

Lord CAMPBELL considered that in form and substance this Bill was a great improvement on the existing law of bankruptcy. He had no doubt that it would be found in practice extremely beneficial.

Lord BROUGHAM observed that there was one explanation which he had forgotten to give respecting this Bill, and which he would now supply. The Bill, as it originally stood, gave to the commissioner, without the intervention of a jury, the power of imprisoning the bankrupt upon his own examination, or upon the bankrupt's own evidence, for a period not exceeding a year, for fraud, for gross extravagance, or for contumacy. That power was objected to, and it was said that the commissioners ought not to be invested with such a criminal jurisdiction, so that a single judge, sitting without a jury should have such a power over the liberty of the subject. He had yielded to that objection, though very reluctantly; for he well knew that the only person who could judge correctly of the bankrupt's conduct was the commissioner who had had cognisance of the whole case. However, the principal evidence in all cases against the bankrupt was his own, and that evidence was not given voluntarily, for if he did not answer a question put to him, he must go to prison; and, therefore, it seemed like punishing a man upon evidence which was extorted from him. Now, that was so contrary to all the principles of our ordinary jurisprudence, that he had consented to strike out that part of the law. The Committee had therefore substituted for it the refusal of protection. The debtor was in such case left to the mercy of the creditor, and the result was the same, for, as protection was refused, he might be imprisoned by the creditor, but not beyond a certain time, when protection was again extended to him.

Bill reported without amendment.

Amendments made.

Bill to be read 3ª on Thursday next.

CANADA.

Lord BROUGHAM begged to ask the noble Lord opposite whether he was not in possession of farther information from Canada with respect to what had taken place in the General Assembly, and whether it was true, as he understood it to be, that the Government had succeeded in cutting down the indemnity as far as two classes were concerned, who were now included in the Bill, and that all persons were now to be excluded from the indemnity who had ever been convicted, or who, not being convicted or tried, had yet submitted themselves to the law, and been in the custody of the sheriff and transported? Perhaps the noble Lord would have no objection to state whether that rumour was well-founded or otherwise.

Earl GREY said, that the whole of the information which he had officially received was contained in the papers on their Lordships' table; whatever else he might know had been derived merely from the perusal

of the reports of the debates in the Canadian Legislature, which were as accessible to the noble and learned Lord as to himself. He must, therefore, decline giving any further answer to the question of the noble and learned Lord. Indeed, it would be impossible to give any answer to the question which would not be likely to lead to an erroneous impression, unless he went into an explanation of some length; and that he did not feel it proper to do.

LORD BROUGHAM was to understand, then, that there was not only no despatch, but no private official communication from the Governor of Canada upon the subject?

EARL GREY begged to repeat that all the information which he possessed upon the subject had been derived from the Canadian newspapers. Lord Elgin, when sending to him some private despatches, transmitted various newspapers containing the debates in the Canadian Legislature, and it was from those papers that he (Earl Grey) obtained his information.

LORD BROUGHAM: It would appear, then, that Lord Elgin had adopted the reports of the newspapers.

DENMARK AND SCHLESWIG HOLSTEIN.

LORD BROUGHAM wished to ask his noble Friend (the Marquess of Lansdowne) a question which he deemed to be of some importance in the present state of Europe. He earnestly hoped that his noble Friend would be able to give him some assurance that there was a propect of a termination of that most unhappy, he was going to say most discreditable, state of hostility which now prevailed between Denmark and Prussia, and certain adjoining provinces. Of the King of Prussia he wished to speak with all possible consideration. He always understood the conduct of that Sovereign to have been dictated more by a deference to the opinions of the Frankfort Assembly than by his own wishes. He (Lord Brougham) hoped that that illustrious person would henceforth be governed by his own sound judgment, and abstain from further hostilities against Denmark. If he should not, then he (Lord Brougham) trusted that the influence of this country and that of her allies might be exerted for the purpose of bringing about that most desirable consummation.

The MARQUESS of LANSDOWNE assured his noble and learned Friend that he entertained hopes upon the subject, but, beyond that, it was not in his power to give any definite answer to the question which had been put to him. His noble Friend might rely upon it that the efforts of this country, in conjunction with her allies, had been, and would, still be, unremittingly exerted to bring about an amicable settlement between Denmark and Prussia—an object which was not less desirable for the benefit of those two countries themselves, than for the permanent tranquillity of all Europe.

LEASEHOLD TENURE OF LAND (IRELAND) BILL.

Order of the Day for receiving the report of the Amendments read.

LORD CAMPBELL moved that the said report be now received.

The EARL of LUCAN moved, as an Amendment, that the Bill be referred to a Select Committee. If the Bill were a fair and just Bill, and one calculated to bear inquiry, he did not see what objection there could be to submitting it to the additional scrutiny which he proposed. He entertained stronger objections to the Bill, so far as it applied to leasehold tenures in towns than in the country; but, above all, he objected to that part of its machinery which enacted references to a Master in Chancery. The provision would be productive of delay and expense. In proof of this, he might mention a case which occurred to a relative of his own. A purchase was made of a piece of land, but the tenant stood out, the difference between the parties being only 50*l.* or 100*l.* It was referred to a master; but, although the reference had been made in 1836, it had not been concluded in 1848, whilst during all that period the landlord's interests were sacrificed. The only argument for the measure was, that it had been recommended by the Commission over which the noble Earl opposite (the Earl of Devon) presided; but on examination it would be found the recommendation of that Commission applied only to permissive and not to compulsory arrangements between lessors and lessees. His great objection was to the compulsory clauses; and with the view of amending them, he thought it would be advisable to refer the measure to a Committee upstairs. If he failed in carrying that proposition, he intended to move, on the third reading, that the Bill should not apply to leases where there were special covenants, nor to leaseholds in towns. His Lordship then moved that the Bill be referred to a Select Committee.

LORD CAMPBELL said, the Bill was

introduced by his noble and learned Friend the Lord Chancellor on the 2nd of April; that it was read the second time on the 26th, and ordered to be committed on the 10th May. In order to give time for objections to be made to the measure, the Committee was put off from the 10th to the 18th of May, when it passed through that stage, after considerable discussion, during which various amendments were made in the clauses. The report was ordered to be brought up on the 25th May; but, owing to the indisposition of his noble and learned Friend the Lord Chancellor, it was put off until to-day. His noble and learned Friend had all along bestowed great consideration upon the measure, and he had just received a note from him stating that in his opinion it ought to be proceeded with without further delay. There had thus been abundance of time afforded for a full consideration of the Bill. The noble Earl opposite, however, moved that it be referred to a Select Committee. It would be observed, that all the arguments he had urged in support of that proposition applied really against the principle, and that they would have been more applicable to the Motion for the second reading than they were at the present stage. The noble Earl objected to the clauses being compulsory. If they had not been made compulsory, the whole measure would have been utterly valueless; and he reminded the House that the principle had been deliberately affirmed by their Lordships upon the second reading. They had been made compulsory, because the existing tenure was most mischievous both to landlords and tenants. He did not concur in the objections raised by the noble Earl to references to the Master's office. Everything had been done to guard the interests of the landlord under the operation of the Bill, and he could only say that it had been generally approved of. He had himself received applications from various quarters to press it forward without delay; and in the full conviction that it would be a useful and beneficial measure, he hoped their Lordships would now consent to receive the report.

Lord MONTEAGLE apprehended that many cases of hardship were likely to arise from the provisions of the Bill. He did not acquiesce in the proposition for a reference to a Select Committee. The Bill affected a very large class, not landlords and tenants in the ordinary sense of these terms, but of landlords in the proper sense, and a very numerous class in Ireland, *quasi* landlords or tenants holding on leases for lives renewable for ever. To the principle of the Bill he was not opposed, for he had supported it throughout all its stages; but he thought it might be modified so as to give the proprietor in fee in Ireland better security for the assertion of his particular rights. If the Bill was referred, he anticipated that many suggestions of great importance would be submitted to them; and a few hours above stairs could not perhaps be more advantageously occupied. It might not be strictly regular at that stage of the Bill to refer it; but such things had often been asked and assented to. He should, for his own part, be sorry to support any proposition adverse to the Bill; but if their Lordships would consent to refer it, its progress in the other House would, in all probability, be greatly assisted.

Lord CAMPBELL had the utmost confidence in the sincerity of the professions of the noble Lord in favour of the Bill; but he should still resist the recommittal of the Bill, as it would lead to no possible use.

The Earl of DEVON said, his objections to the Bill related not so much to particular clauses as to the general principle, which, he contended, had never been fully discussed in that House. Explanations had not been given of the practical evils which usually followed the existence of the present tenures. There might certainly be cases in which it would be desirable to make commutations; but he had seen no evils arising from existing tenures to render it advisable, in all cases, to enact that the middleman should have the power of changing the tenure. If there were any public grounds upon which it was desirable to alter the existing tenures, they must be with a view to improve the land, and secure better cultivation; but he doubted whether, in the ordinary class of cases, such would be the result. Land was let to a middleman on the condition of paying once in every seven years, or some other stated period, a certain fine. The middleman immediately underlet it to the occupier. This Bill proposed that the landlord, instead of letting to the middleman in this way, should be compelled to let it to him, not upon a periodical fine, but upon a fixed rent. Now he (the Earl of Devon) wished to know in what manner the occupying tenant, the cultivator of the soil, would be benefited by the change? At all events, it would be wiser to let the change be vo-

luntary, instead of compulsory, because there were many cases in which the power now enjoyed by the owner of the fee was found extremely advantageous to the occupying tenant.

LORD REDESDALE said, that what had fallen from the noble Lord was not strictly correct as to the introduction and progress of the Bill, for he recollected that considerable discussion occurred upon the second reading, and that he himself took part in it. He recollected that upon the occasion of the second reading, he asked in what relation the provisions of the Bill stood in regard to copyholds in England, and received for answer, that copyholds in this country were quite a different question —that the two cases were not at all similar, and bore no analogy the one to the other. He said he was then satisfied, and being an Englishman, and less acquainted with matters as they stood in Ireland, and therefore scarcely entitled to express any opinion on these matters in the sister country, and understanding that the Bill did not affect the principle of the enfranchisement of copyholds in this country, he was not disposed to oppose the second reading; but since this discussion things had come out which had induced him to take a different view of the Bill from that he entertained before. At the time of the second reading they had heard nothing of the Irish Society, and nothing of these covenants which were said to be in existence in Ireland. He would advise caution, then, and due consideration of the provisions which they proposed as a remedy for certain admitted evils in Ireland, because when they proposed getting rid of an objectionable tenure, the tenure which was to succeed it ought to be unobjectionable. He understood that this Bill proposed to reserve to the original lessor power of enforcing the performance of covenants where any such existed in the lease—it professed to give the lessee a fee-simple, but subjected him to the condition of performing those covenants; and in case he failed of such performance, it gave the lessor power to enter upon the lands. The Bill, therefore, in all such cases, failed to create in reality a fee-simple, and established instead a new and anomalous description of tenure, never before known in this country or in Ireland, which, as the right to enter for the purpose of enforcing the covenants would run over the whole estate comprised in the original grant, might lead to great inconvenience and injustice in the event of the property being sold to different parties—if, indeed, it did not act as bar to any such sale. He said that these were matters on which opportunity should be given to all parties to be heard before a Select Committee; and if the Bill should be delayed another year, it would be nothing unusual; nay, he believed that there was not a single instance of a Bill affecting tenures being passed the same year it was introduced. All the alterations that had been effected in the copyholds, partial as these still were, occupied for years and years the attention of the Legislature before they were established, and he thought the caution was proper and desirable. Were the Bill drawn by the ablest lawyer, it was still a reasonable proposal to refer it to a Select Committee for consideration—a proposal that was likely to produce a good Bill upon the subject. Considering, besides, the small beneficial effect that would arise to the tenant, and that it would have no tendency to promote the improvement of agriculture, and that the middlemen only would benefit under it, he saw no evil which was likely to be occasioned if it were postponed to another Session.

The EARL of GLENGALL said, although he was rather favourable than otherwise to the principle of the Bill, he must yet state that it was not until the Bill became known in Ireland, and had been considered by the lawyers there, that many of their Lordships were exactly aware of the effect on different matters which the provisions of the Bill were likely to have. On this account, and besides, when they considered the astonishing quantity of property which was so circumstanced as necessarily to come under the operation of the Bill, he thought it would be but reasonable that it should be referred to a Select Committee.

The EARL of WICKLOW said, that notwithstanding the remarks which had been made by noble Lords, he thought in all his experience he never had heard a Bill more fully discussed than this measure. It might not have been exposed to all the opposition which other measures occasionally went through, but then the reason of that was, that noble Lords would not attend in their places when the Bill was in progress through their Lordships' House. He said he had not heard a single reason advanced that night for sending it to a Select Committee; he had not heard a single argument advanced, except such as went against the principle of the Bill, and he was therefore of opinion that no

case had been made out for the proposal. But as one of their Lordships had asked how this Bill could have any tendency to promote the better cultivation of the soil, he would reply that it would do so because the better cultivation of the land depended —as a general principle—upon the interest which the landlord had in the soil which he let to the tenant. If the interest of the landlord was weak and limited, it was evident he could not extend that amount of assistance to his tenant in making improvements, which a landlord more favourably situated could give. Now, as one of the objects of the Bill, so far as it went, was to put the landlord more in possession of his property than before; so far as it went it would be likely to encourage the better cultivation of the land. He hoped, therefore, their Lordships would not entertain the proposal which was now made to them for sending it to a Select Committee.

The EARL of LUCAN said, in consequence of the state of the House at that time, he would not press his Motion to a division; but he gave notice that, on the third reading, he should move to introduce a clause making the Bill permissive, not compulsory.

Amendment, by leave, withdrawn; Amendments reported; further Amendments made.

Bill to be read 3ª on Friday next.

House adjourned.

HOUSE OF COMMONS,

Tuesday, June 5, 1849.

MINUTES.] PUBLIC BILLS.—1º Sewers Acts Amendment (No. 2); Municipal Corporations (Ireland).

2º Silver Coinage.

PETITIONS PRESENTED. By Mr. Hume, from Taunton, for the Duration of Parliaments Bill.—By Mr. Burroughes, from Norwich, against the Parliamentary Oaths Bill, and the Marriages Bill, and for Encouragement to Schools in Connexion with the Church Education Society for Ireland.—By Mr. Sandars, from Wakefield, for Universal Suffrage.—By Mr. Harry Waddington, from the Guardians of the Wangford Union, for Rating Owners of Tenements in lieu of Occupiers.—By Mr. Cayley, from several Places, for Agricultural Relief.—By Mr. Henley, from Hampton, against the Charitable Trusts Bill.—By Lord Brooke, from Warwickshire, against the Highways Bill; and from Tamworth, against the Public Roads (England and North Wales) Bill.—By Sir H. F. Davie, from the Royal Burghs of Scotland, against the Police of Towns (Scotland) Bill.—By Mr. Tollemache, from the Horncastle Union, for a Superannuation Fund for Poor Law Officers.—By Colonel Vyse, from the Union of Manorhamilton, County of Leitrim, against the Poor Relief (Ireland) Bill.—By Sir John Pakington, from Redditch, Worcestershire, for the Suppression of Promiscuous Intercourse.—By Mr. G. Dundas, from Borrowstownness, against the Registering Births, &c. (Scotland) Bill, and Marriage (Scotland) Bill.—By Mr. Fuller, from Ticehurst, Sussex, for an Alteration of the Sale of Beer Act.—By Mr. Masterman, from Graziers, Salesmen, &c. against the Removal of Smithfield Market.—By Mr. D'Eyncourt, from the Congregation assembled in Marlborough Chapel, Old Kent Road, London, for the formation, between the British Government and other Governments of the World respectively, of Treaties by which International Disputes may be decided by Arbitration.

NATIONAL REPRESENTATION.

MR. HUME said, that, in addressing himself to this important subject, he must beg the indulgence of the House, as he did not feel altogether in a situation to introduce the question in the manner that he could desire. As an old reformer, addressing a reformed House of Parliament, he could declare from experience how unsatisfactory it had generally been to address Parliament on the subject of reform. He had scarcely ever known an exception, except when the question had been made a party one, and there had been a struggle between the two great political bodies in the country. Then, indeed, the question had brought a full House; but on other occasions, when private Members had introduced the subject, it had been treated as one inopportune in point of time, and unfit for consideration. He had taken his full share in the reforms effected in 1831 and 1832, and no man had been more happy than he had been to see those reforms carried out. He looked back with satisfaction to the great reform effected at that period on the proposal of men who were anxious to promote the welfare of the country; and he believed that the effect had been to place this country in the enviable situation in which she now was as compared with the rest of the world. It was not that he undervalued what was done by the first Reform Parliament. He was not one of those who said that the reform effected at that period was a fallacy. It did not, indeed, lead to all that he and others, who were anxious on the subject, had been sanguine enough to expect, apt, as they were, perhaps hastily, to imagine that society would be immediately moulded by their own opinions; but it had, at any rate, put an end to the disgraceful borough-mongering which previously existed; and he believed that the opinion now prevailed very generally amongst those who were once opposed to reform, that it had been productive of great good to society, and had prevented many unhappy collisions. It was because he saw that reform had not been carried out to the extent that he had anticipated, and because he saw danger in refusing that which he considered a right belonging to the mass of the com-

munity—on these grounds it was that he then presented himself, most unwillingly, to the House. He had stated last Session, when the Motion which he brought forward was rejected, that so long as he remained in that House, no Session should pass without witnessing his humble individual efforts to persuade the House to adopt further reforms. It might be thought improper in any individual to appear to dictate such changes as he contemplated in his Motion; but unless some one would come forward and propose what he believed would prove beneficial to the country, no amelioration could take place. The House was generally slow in all its proceedings, and, of course, he would not deny that it was better to be slow and sure, than, through being rapid and inconsiderate, to run the risk of having to retreat. With regard to what he proposed, however, he must say that he had a full conviction of its justice. He was prepared to submit what, instead of being attended with danger, was, he believed, calculated to remove danger, by removing discontent and dissatisfaction. They were all interested in having good government—a system of government which would promote the happiness of the empire—and it was in view of that fact that he proposed to make certain alterations. They stood that year in very peculiar circumstances. He was anxious that they should avail themselves of the experience of past years, and that they should take a lesson from the past, and endeavour to prevent the occurrence in this country of any such collision or dissatisfaction as had been witnessed elsewhere. He was well aware that Parliament had, for a long period, been used in this country, not as an engine to promote the welfare of the community, but as an engine to extract from the community a larger amount of taxation than could be obtained by any other means; but he hoped that Parliament would go along with him in carrying out such measures as were essential to the national welfare. He felt bound to say that experience had forced upon him the conviction that the reformed Parliament was not in the situation that some former Parliaments had been. It was no longer in the power of any aristocracy, any oligarchy, or any class, as it formerly was, to dictate to the Sovereign, and compel the Sovereign to do whatever they desired. It was no longer in the power of individuals possessing seven, eight, or nine boroughs, to send men to that House, not to carry out measures for the good of the whole community, but to pass measures for their own benefit. Up to the passing of the Reform Bill, the Sovereigns of this country were in the leading-strings of the aristocracy, and the revenue and expenditure of the country were managed with a view to individual interests, or the interests of a class, instead of those of society at large. He maintained, that unless Parliament could do in that respect what it purported to do, the whole representation of the country was defective; and though he did not say that the adoption of any proposition of his own would make Parliament perfect, yet he must say that if injustice and inequality could be removed, they should not be perpetuated. Ministers had taken an oath that they would promote and support measures which would conduce to the welfare of the community. He would leave it to them, if they ever reflected when they laid their heads on their pillows, to say whether Parliament was in a condition which admitted of no improvement. He left it to them to say whether or not they were acting as honest and faithful counsellors of the Crown in allowing a state of discontent to continue, which was so great that at times it threatened, as, for example, on a recent occasion, the most alarming consequences. He recollected that on an occasion when a Motion for reform was brought forward by one of the then members for Westminster, Mr. Canning stood forward boldly and said—

> "I take my stand against all reforms; I am for rotten boroughs; I wish to maintain them, because this country has enjoyed greater prosperity during their existence than the Continental countries. But," he added, "I go further. I have ever been ready to meet the circumstances of the times, and to adapt the laws and ordinances of the country to the requirements of the period, though, so long as I see reason to do so, I will defend Gatton and Old Sarum."

Gatton and Old Sarum were, however, now removed, and the country was, it must be admitted, in a novel position. At the period when the representation was most defective, the country stood at the top of the ladder in comparison with other countries, and no Continental nation could say that it had at that time a more popular representation than existed in England. The times were changed, however, elsewhere, and they should now consider whether they ought not, in the words of Mr. Canning, to adapt themselves to the

changes which had taken place. What had been done of late by the noble Lord at the head of the Government? When his hon. Friend the Member for Finsbury proposed to repeal the taxpaying clauses, he believed in the year 1847, the noble Lord read him a lecture on the danger of interfering with the Reform Bill, declaring that he wished for a little more experience of the working of that Bill, and that he was in favour of progressive reform. But what had been the "progressive reform" of the noble Lord since the period in question? The noble Lord had actually given notice of a Bill to repeal the taxpaying clauses of the Reform Bill, so far as the assessed taxes were concerned. But what became of the measure? Why, it was kept on from month till month, until at last it perished in one of the "annual massacres of the innocents." Then the Secretary for Ireland had brought in a Bill for the improvement of the system of registration in that country. There was no reform more needed; and yet the noble Lord and his Colleagues—all, by their own showing, ardent reformers—allowed this Bill also to drop through. He believed, therefore, that all the professions of Government, so far as they regarded reform, were delusive; and he had come to the conclusion that the noble Lord meant to stand fast and do nothing. The question, then, was whether they were to remain in their present situation. He had just stated that, in former years, they were at the top of the ladder as regarded representative government. Where were they now? At the very bottom of the ladder; and that which had been supposed to be dangerous in England had been conceded in France, and in almost every Continental country. [Lord J. RUSSELL: Hear, hear!] He heard that "Hear, hear!" and he gathered from it the question, "What has been the result?" The result had been that no injury had arisen from the introduction of universal suffrage; that it, on the contrary, had returned a conservative party by a large majority. [*Cheers.*] Hon. Gentlemen cheered, and the noble Lord was the first to cheer. But what had he to cheer? If he looked to Russia and Vienna, he would find their darling Sovereigns, who had pledged their sacred words on the altar of their country, denying the very obligations they had entered into. Those were the parties the noble Lord ought to find fault with, and not the people of this country. It had been said that it was unsafe to entrust the people of this country with power; but he thought it would be much more unsafe to withhold it; and in order to withhold it, they felt it necessary to maintain a great military force in the country. He regretted that the time had passed when the Sovereign of the country could trust her people, and when no military were employed to keep them in subjection. See what was the difference. Then about 25,000, sometimes less, formed the whole military establishment of the united kingdom. The noble Lord the Secretary of State for the Foreign Department had declared that he wanted no military aid for the internal protection of the country—that he only wanted an establishment in this country as a nursery from which to supply colonies. But the Government of the country, instead of reposing in the love and affection of the masses of the people, refused them their constitutional rights, and coerced them to bear the injury by means of military force. In 1792, when Mr. Pitt was Minister, the pressure on the country was such that economy became the order of the day, and he so reduced the establishment that our military force altogether was only about 25,000 men; the whole expense of our barracks was limited to 12,000*l.* or 13,000*l.* a year, while last year we spent no less than 100,000*l.* to build barracks near Preston. Now, instead of a few, we had the country literally starred with barracks, and bearing a military aspect, as if we were preparing for the enemy abroad. We now had 20 batteries of cannon for the one we had before. He would ask those who were the protectors of the commonweal, and who desired to maintain the crown to the Sovereign and preserve the public peace, if that was a state in which this country ought to continue, or with which the people could rest satisfied? Was it right, after a 30 years' peace, that England should present the appearance of a garrison, with bayonets bristling and artillery planted at every point? And why was it so? It all arose from the fear of reform. He admitted that there were ardent and wild reformers, as there were ardent and wild men in every other capacity; but that was no reason why they should not take into consideration calmly and quietly whether the cause which led to the keeping up of this great military establishment, which was weighing down the country, might not now be prudently removed. In 1792 the

whole taxation of the country was only 16,000,000*l.*, 9,000,000*l.* of which paid the interest of the national debt, 6,000,000*l.* the expenses of our military establishment, and 1,000,000*l.* formed the sinking fund. Then 16,000,000*l.* paid for what was now costing us near 60,000,000*l.*, so that we were now subjected to almost quadruple the amount of taxation we paid in 1792. He did not blame any living individual for the enormous addition which had been made to the national debt since that period. He blamed only that oligarchical system which drove the country into an aggressive proceeding against France, and which was still preying upon the vitals of this country. Surely it was time to check that system which had involved us in such an extravagant expenditure. He was aware that many thought it was enough to demand financial reform, saying that they would rather not mix themselves up with political matters; but the finances of the country formed one of its most important political subjects. It was idle, therefore, to abstain from urging other measures because of their political character. Those who wished for financial reform must first try and bring the Members of that House to their proper level, so that the influence of their respective constituencies may be felt in it. He addressed himself particularly to those Members who represented the south, where the labourer was so badly paid, and consequently so discontented, and he asked them how they could expect allegiance to the State or respect for property from men so circumstanced? When he found that in many agricultural districts in this country, labourers and their families were subsisting on 7*s.* and 8*s.* a week, he felt bound to move in this question, in the conviction that such a state of things could not continue. In a spirit of conservatism, and desiring to guard against those evils which he saw impending, he desired to attempt a remedy. He would tell them what he proposed. He was sorry he was not in the House when the miscellaneous estimates were before it, involving as they did an expenditure of nearly 4,000,000*l.* If he had been present he would have called upon them to look back to the causes of the immense charges of the present establishment, and asked them to address Her Majesty on the subject, stating that having voted Her the civil list, they would not touch it so long as they had a shilling to pay it, but that they would analyse it and see whether they could not set an example at the fountain-head, by beginning there the work of reduction. He wished then to tell Her Majesty that the civil list, when She ascended the throne, was that of the most extravagant and wasteful reign of George IV. In the reign of William IV. it was slightly reduced, and it was now 385,000*l.*; but it was due to Her Majesty to say, that out of that sum She had only at Her disposal 60,000*l.*, the rest being spent by the Lord Chamberlain, the Master of the Horse, and other officers and servants of the palace. If analysed, that civil list would be found to contain scores of lords and ladies with 300*l.* to 600*l.* or 800*l.* a year, who had only some slight duty to perform once a month or so, and for which the country was saddled with this large sum. He found no one out of that House to defend that establishment, and he was sure if properly represented to Her Majesty that She would be the first to sanction its revision. When they looked at the poor-law unions of the country, and found there 4,000,000 of the population in a state of destitution and dependence, he thought the extravagance of distributing 325,000*l.* of the public money became too apparent to require a further elucidation of it. For his part, he should desire to see the simplicity and plainness of the Windsor blue substituted for the tawdry, useless, and costly display which marked the character of the British Court, as if in imitation of Napoleon. He thought it would tend more to the honour of the country and the Sovereign if simplicity and not tawdry display were the characteristic of the Court. He dined recently at the Lord Mayor's, and met there the English Ambassador appointed to the United States, and he really could not touch his cloth owing to the quantity of gold lace upon it. Then look at your Ministers—look at the tawdry manner in which they presented themselves at Court. Was it right that their fellow-countrymen should be dying of starvation in scores, and the public money applied to such useless and gewgaw extravagance? He was for calling on Her Majesty to put an end to a large portion of it; that being done he would apply himself to the other establishments, in which money was also frittered away as if there was no such thing as distress in the country, but plainly showing that the country was not in a healthy state. What they wanted, therefore, in the first instance, was a House of Commons having courage to address Her Majesty on the subject, and by that means

force the Government to retrench, beginning with the establishment of the Sovereign, who, he was sure, would readily consent to a reduction. When a feeling of dissatisfaction displayed itself in Belgium, the Government immediately extended the franchise, while the Crown, he believed, and every public officer, reduced their salaries one-third. When the Duke of Wurtemburg succeeded his father, who was over head and ears in debt, he immediately reduced every establishment one half, and brought the whole within that compass which the inhabitants could easily maintain —thus securing at once the love and admiration of his subjects. England must do the same, and with that view he asked the House to do justice to the people by giving them a fair representation. The House of Commons might be seized with occasional fits of economy, and then, perhaps, effect reductions which would do injury to the public service; but until they changed the nature of the House of Commons, so that the influence of the popular voice might be felt in it, they could not expect that steady and general reduction in the establishments of the country which the state of the country itself demanded, and which alone offered a prospect of permanent relief. He wished to see the military force of the country reduced to the necessities of the country, and all ground of their presence removed by giving to the people their just rights; so that if Her Majesty were asked where was Her military force, She might be able to say, as Queen Elizabeth did when asked where were her troops, that the people were her troops, and to them she looked for protection wherever she went. It would not be difficult to show that Parliament, as at present constituted, did not represent the communities having the privilege of electing Members of it. He believed it would be difficult to find, even amongst his own friends, those who agreed as to the exact mode in which they ought to proceed. It was the privilege of Englishmen to differ—difference of opinion arose from popular discussion; and out of those discordant opinions they sometimes arrived at a good conclusion. Every measure was more or less a compromise. If the House would permit him to bring in a Bill, he would do his best to meet the general wish—that was to say, he would place his views before them, to be modified as the House should think right. Last year it was said he was asking too much. But if they were to have reform, it ought to be effectual, and such as was likely to produce content in the country. First, then, they must extend the suffrage to every man who had a house over his head. He would point out the limits in his Bill, if permitted to introduce it. He thought he was the best friend to the constitution, in seeking to bring within its pale those who were made discontented by exclusion. He proposed that there should be vote by ballot, on which the House already had had an able discussion. In like manner, he wished to see the duration of Parliaments shortened. As the House had recently expressed an opinion on that point, in which he entirely acquiesced, thinking three years a very proper period, he would confine his observations to the inequality of the franchise, and the inequality of its distribution. It was quite true that scarcely two reformers agreed on these measures; but on what questions did men agree without some little shades of difference? Hence, the taunt from the other side was uncalled for. He admitted he was one who, in 1831, raised the cry of "the Bill, the whole Bill, and nothing but the Bill," being anxious to secure all that those then in power were willing to grant. The noble Lord at the head of the Government then stated that, by the constitution, every man was considered as represented in the House of Commons, as having a share in the election of those who were to make laws affecting his rights and property; and on that ground he recommended an extension of the franchise—the same ground on which he (Mr. Hume) now contended for a further extension. What was the present situation of the country? The evil arising from the large proportion of persons unrepresented was not stationary, but was increasing every year. Materials were now collecting which must explode, and caution itself recommended a change. The population of Great Britain might be taken in round numbers at twenty millions; and by the census of 1841 the number of adult males was about eight millions. There were 3,500,000 inhabited houses; and if the plan he advocated were adopted, there would be as great a number of voters. But instead of that, the number of registered electors at this moment did not exceed 820,000. In this calculation he did not include Ireland, for he was sorry to say that country had no representation at all. [Mr. W. FAGAN: There are about 40,000 voters to the eight millions of population.] He did not think there were so many.

Most undoubtedly there were more bailiffs than electors. The only official report which the House possessed of the population of each borough and county, and the number of electors, was furnished in 1836, by what was called the Elections Expenses Committee, when an attempt was made by him to put an end to all election expenses; and the proportion of electors to non-electors was then 1 to $5\frac{1}{2}$. It was now nearly 1 to 10; for there had been a great increase in the population, especially in the manufacturing districts, at the rate of from 11 to 34 per cent, while the increase in the agricultural districts was not more than 7 per cent. The consequence was, that the increased discrepancy between the number of electors and of non-electors was almost entirely in the manufacturing districts, where, too, the population were more intelligent, and more fitted to exercise political rights. Men more capable of exercising the elective franchise could nowhere be found; they had been accustomed to live under free elective institutions, and were not likely to fall into the mistake committed by many persons abroad when they enjoyed freedom for the first time. Every year the disproportion between electors and non-electors increased, and fastest in the manufacturing districts. While schools, churches, and associations of all kinds were established for the benefit of the working classes, they were refused that which would benefit them most of all; and it was most singular that the class in the country which was interested more than any other in the preservation of peace and quietness, should oppose the granting of this right. He would repeat, in the face of the world, that the working classes of this country had never shown any disposition to create disturbance, or to plunder or appropriate the property of their superiors. There had been numerous examples of the contrary. Would the Legislature then refuse to these men what had been granted without dispute to the very lazzaroni of Rome? In pointing out wherein consisted the inequality in the distribution of the franchise, he would limit himself to an example under each head. He had instituted a comparison between the great and small constituencies. He had taken 16 boroughs, containing a population of 2,917,000, being one-half of the whole borough population in England, including the boroughs of Birmingham, Bristol, Finsbury, Greenwich, Lambeth, Leeds, Liverpool, London, Manchester, Marylebone, Salford, Sheffield, Southwark, Tower Hamlets, Westminster, and Wolverhampton; these boroughs only returned 33 Members out of 323 borough representatives. He had compared these with 22 small boroughs, returning 42 Members, which possessed an aggregate population of only about 100,000. Hence, the great towns containing half the borough population, only returned one Member for every 88,000 inhabitants, whilst the small towns returned a Member for every 10,000. Could any man say that that was a fair distribution of the elective franchise? In Scotland, 23 boroughs, containing two-thirds of the borough population, returned nine Members; the other one-third sent all the remaining Members, 14 in number. In Ireland, four boroughs, containing half the population, only sent one-fifth of the borough Members. What could be more unjust? Would any honest man consent to remain quietly in the situation of these persons, or cease to demand his constitutional rights? For these a struggle was constantly going on, and hence Chartism, and the consequent alarm amongst the ruling classes, and the hasty addition of some 5,000 or 10,000 to the troops. It was high time to alter this state of things, which indeed could not be much longer continued. Another evil was the perplexity, the expense, and the loss of time occasioned by the various kinds of qualification. At this moment there were 85 different kinds of franchise in the country—from potwallopers up to ten-pounders. This necessarily led to enormous trouble, expense, and complication; it was an absurdity which no other assembly than the English House of Commons would tolerate. Another comparison showed that 28 English boroughs, returning two Members each, had each less than 500 registered electors; while 15 others, also returning two Members each, had each above 5,000 registered electors. London had four Members, and 20,000 electors; while Calne, Reigate, and Andover, returned the same number of Members, though they had only an aggregate of 606 electors. Let the intelligent Members of the aristocracy sit down quietly and look at these facts, and then, if they had the courage, rise and defend such a state of things. With such facts before them, who would be bold enough to say there needed no further reform? Another important point was the working of the system. The majority of the House of Commons represented

less than one-eighth of the people; for, of 658 Members, 330 represented 3,127,000, whilst 328 represented 23,873,000 persons; the majority giving one Member for less than 9,500 of the population, the minority one for every 73,000. In this division the majority included all the third-class towns and small boroughs under landlord influence; the minority included the counties and all the great cities. And this was what was called the people's House—the Commons' House of Parliament. Would any one dare to say that it was anything more than a fallacy and a delusion? The aristocracy had one House of their own; they ought not to have both; but under the present system they had both, as it were, at their nod. Looking at the march of inquiry and democratical principles throughout the world, who would be so blind as to suppose that that march was to be stopped by an injustice of this kind? With so large a portion of the population excluded from the franchise, who could imagine that matters would rest as they were? One in eight only was within the pale of the constitution. All the rest were deemed unworthy to be admitted. And who were the men so excluded? A certain party in that House took credit for being particularly attentive to the interests of the labouring classes, and on every occasion put themselves forward to advocate measures for their benefit, improvements in their dwellings, and so on; and yet that very class almost to a man refused to the labouring population that which would most raise them in their own estimation, most familiarise them with the habits of social life, and which was worth ten times more than all the rest. Let it be proposed to give the working men an extension of their political rights, and the power of putting down bribery and corruption, and immediately these parties cried out, "No, no; we won't have that;" but any gewgaw thrown out to amuse the people, or anything likely to add to their own popularity, they would advocate. Recently, at Exeter Hall, a meeting had been held for the distribution of prizes to working men for essays on the observance of the Sabbath—a most proper object. Lord Ashley, who presided, in responding to the vote of thanks, had said—

"He had heard doubts thrown out whether these essays were the productions of the working classes. He had now, for the last eighteen years, been brought into such close contact—he might say in such close intimacy—with many of the working classes, that his experience enabled him to establish this, that many of the working men were intellectually, morally, and spiritually, capable of producing those admirable—he would not hesitate to say, marvellous—productions. Whilst in other countries thrones and aristocracies were crumbling, and the foundations of society itself were shaken, this was a most happy circumstance in the history of this country, and it led him to believe that this Protestant country was yet reserved by God for higher purposes of mercy in the history of mankind. It filled him with consolation and gave him comfort in many dark moments of life, when he saw so many of the working classes of this country who represented still larger masses, coming forward with zeal, love, knowledge, and fervour, in the assertion of this high and holy purpose. He was sure that both Her Majesty and Prince Albert recognised this great truth—that whilst all things were subordinate to the divine will, it would be found that piety and the fear of God were the glory and stability of empires."

Such was his Lordship's testimony as to the extraordinary talent and extraordinary good conduct of the working classes of this country. He attributed the stability of the Throne to the steadiness, piety, and intelligence of these men; and yet he would not give them the elective franchise, though it would raise them in the scale of society, enlarge their talents and zeal, and lead them to consider themselves as free men instead of slaves. What possible reason could be assigned for this refusal? To do justice to these men, to give them a share of the elective franchise, to bring them within the pale of that constitution which they defended so ably — this was what any one would naturally expect from a party so ready to recognise the merits of the working classes, if there was any sincerity in what they said. With every disposition to approve and admire the efforts of these gentlemen, he could not but entertain doubts as to their sincerity in this refusal of political rights. Many of their benevolent efforts, though not generally successful, would doubtless tend to improve society in a great degree, and as such he was anxious to support them; but he wished that their promoters would be consistent, and render an act of simple justice to the class whom they professed so great a desire to benefit. Having shown the inequality which existed, having shown the right of the working men to be represented, and having shown, also, that the welfare and stability of the country would be promoted by an extension of the suffrage, he now came to the consideration of the means by which it could be extended. On this subject he found great difference of opinion to exist. Some advocated the principle of population as

that on which the suffrage should be based; others, again, assumed the principle of property, whilst others advocated a particular tenure of property, the payment of taxes, or a certain degree of education, as the proper foundation for the right to vote. In short, the greatest variety of opinion prevailed on the subject. Mr. Mackay had written a pamphlet on the present state of the representation of the country, which he should recommend every Member of that House to read, as it showed the inequality and injustice of the present system in every point of view. Those who advocated the principle of property as the basis of the franchise, would do well to recollect that very nearly the same disproportion which existed between the population and the franchise, existed also between property and the franchise. The population of England, Wales, and Scotland was, in round numbers, 20,000,000. The number of representatives was 553, or one for every 36,166 persons. The real property of Great Britain assessed to the poor was, in round numbers, 71,500,000*l.*, which would give one Member for every 129,294*l.* Taking population as the basis, the distribution would be as follows:—

Population.			
England...	16,500,000	would have	455 Members
Scotland...	2,700,000	„	76 ditto
Wales.....	1,000,000	„	22 ditto
Total as at present			553

Taking property as the basis, the distribution would be as under:—

Property.			
England...	£59,685,000	would have	460 Members
Scotland...	9,329,000	„	71 ditto
Wales.....	2,850,000	„	22 ditto
Total			553

The same results would appear if the counties were taken instead of the kingdom. Thus it appeared that property and population were so equally distributed, that as regarded numbers one offered as fair a basis as the other upon which to found representation, and that the extension of the suffrage would do no injustice to property. That appeared to him to be a matter of great importance, because many Gentlemen might be doubtful as to the safety of his proposition. As, however, population was a much easier basis to work upon, he proposed to take it as the foundation of the alteration he proposed. As to the apportionment of representation, many Gentlemen seemed afraid of cutting up England into electoral districts, composed of squares and triangles. He had no hesitation in saying, that if he had to construct the representation anew, he would do what had been done elsewhere; but, as he was desirous of bringing about the result he had in view with as little change as possible, he would be prepared to show how he would group the different towns together, so as to give each district of boroughs the same number of representatives. He proposed to do the same thing with regard to England which was done in Scotland, where several towns were grouped together, as for instance, the district which he himself represented, which contained five boroughs. He hoped to dispel any alarm which existed on this subject by assuring the House that this could be done without producing any of the evil consequences which some persons anticipated, whilst at the same time it would place the representation on just and proper grounds. France, and other countries, exhibited examples of equal electoral divisions. But he did not propose to follow their example, but would take the precedent which existed in Scotland. Having made these statements; having shown, first, the necessity of an extension of the suffrage; secondly, that they must give voters the protection of the ballot; and having also shown that these two measures would be incomplete and ineffectual without more equal electoral districts, he now put forward the demand of a moderate, proper, and sound reform, which he affirmed every man must desire to see who wished for the peace and prosperity of his country. He thought this should be done as an act of justice, and that it was the self-interest of every man to listen to the proposition which he now made. He might be asked, as the noble Lord at the head of the Government was asked, with respect to the navigation laws, "Where are your petitions?" He might give the answer which the noble Lord had given, that petitions were not necessary where it was a clear duty to grant what had been asked. But, when he told them that in the numerous places where meetings had been held in favour of reform, the people said they would not condescend to petition the House of Commons any longer, in consequence of former petitions from them being totally neglected—when men became unwilling to press their grievances from a belief that no attention would be paid to them in that House, it was a symptom that should not

be disregarded. He, therefore, pressed on the noble Lord this proposition as a sound and rational reform, and would leave to the noble Lord and his Government the responsibility of rejecting it. As Parliament was the only means of ensuring good government in this country, it was most important that Parliament should be in accordance with the feelings of the great mass of the community. Did that House represent the people now? He said no, and he challenged any man to say yes. It only represented certain classes. He did not complain so much of that, because it arose from the system which had been adopted in former days, when merchants were elected to represent boroughs, knights to represent shires, and the members of universities to represent scholars. But these days were gone by: the late Reform Bill placed all on a footing of equality, and no man had a right to say to so many others that they were to be excluded from the suffrage. Was it just to create discontent by shutting out so many from a right which, before God and man, they possessed? It was on these grounds that he implored the House to accede to the proposition he had made. The time had come when they must adopt means for placing the country in greater security. Let them allow him to put his plan before them. Let them curtail it if they thought it dangerous; let them supply and amend it where they thought it deficient; but let them show to the people that they were desirous of listening to their complaints, and redressing their grievances.

Motion made, and Question proposed—

"That leave be given to bring in a Bill to amend the National Representation, by extending the Elective Franchise so as to include all householders, by enacting that votes shall be taken by ballot; that the duration of Parliaments shall not exceed three years; and that the appointment of Representatives be rendered more equal to the population."

Mr. H. BERKELEY, in rising to second the Motion of his hon. Friend the Member for Montrose, which he did with much pleasure, remarked that his hon. Friend had been received with a very self-satisfied, but ironical, cheer from hon. Gentlemen opposite, when he had made the frank admission that considerable difference of opinion had existed among reformers as to the points of reform contained in his Motion. For himself, during his political career, he was happy to say that he had no votes to swallow, no opinions to recant, and on this occasion he had no difference at all with his hon. Friend as to the merits of any of the points of reform contained in his proposition. He had voted for triennial Parliaments; he had ever had a strong opinion that the suffrage should be extended; of small constituencies he had expressed his opinion; and he had selected the ballot for advocacy as that particular reform which was the leading step to all others, whether Parliamentary or financial. He did not believe that so much difference existed as to the merits of the reforms embraced by this Motion, as there did as to the prudence of attempting to gain them all at once. Now, he had ever considered the ballot, which was a component part of the present proposition, as that measure which they should endeavour first to obtain, for this reason—it was the most popular one. In that House, the last division showed that, while eighty-seven, inclusive of tellers, voted, there were forty pairs; and had they not been tricked into an early division by the silence of the Treasury bench, he calculated upon a division of 120 or 130; for those experienced in such matters had assured him that there were 150 Members in that House who desired protected voting. He believed that if the ballot were obtained, that the effect would be to unbind the arms of a vast electoral body, who would be the very first to aid reformers in carrying other and equally necessary measures for the people's welfare. He must say that he considered the noble Lord the Member for London's conduct on the late discussion of the ballot question, most disrespectful — disrespectful to the people, disrespectful to the numerous advocates of the measure in that House, and injurious to the noble Lord himself. Why, the ballot was the question considered at one time so important by the noble Lord, that he contemplated its adoption in the Reform Bill. He trusted that the course pursued by the noble Lord would not be persisted in on that occasion, and that the noble Lord would not seek to carry by votes that which he could not defend by argument. But if the noble Lord's conduct was strange on that occasion, what should he say of that of his right hon. Friend the Secretary of State for the Home Department? In 1842 he voted for the ballot; in 1849, against the ballot. In 1842, he voted white; in 1849, he voted black. Surely an explanation was due on that occasion to his constituents, to that House, to his own consistency; but

no, he followed his leader in silence to the fullest lobby. Now, he (Mr. H. Berkeley) thought an apology due for one vote or the other; one must be wrong, and he wished to hear that evening which the right hon. Gentleman wished to give up. Why, let him ask, was intimidation dead? Had corruption ceased to exist in 1849? Or were their constituents less fitted to be entrusted with their votes now than in 1842, when the right hon. Gentleman was ready to accord them protection? It would be base ingratitude in the right hon. Gentleman to attempt such an excuse, after the glorious specimen he had of the loyalty, love of order, and trustworthiness of the people in 1848, and which had materially lightened the arduous duties which the Home Secretary had to fulfil on that occasion. He denied the possibility of an explanation, and called on the right hon. Gentleman for an apology. But where was the Master of the Mint on that occasion? Why, he had the brilliant speech of that right hon. Gentleman, made in 1842, still tingling in his ears; the soundest reasoning on behalf of protected voting urged with "words that burn." Where was he? Would the House believe that the Treasury bench had made such an alteration in his sentiments, that when he (Mr. H. Berkeley) acquainted the right hon. Gentleman that on such a night the ballot would be before the House, the reply he received was, that the right hon. Gentleman did not think he should attend; the people did not seem so excited on the subject as formerly. So, then, in that House they were to wait for excitement, and not decide on the intrinsic merits of a case. Strange language from the Treasury bench! Now he (Mr. H. Berkeley) had always supported the abolition of the corn laws, though he had never belonged to the League; but he remembered the time when that League was termed by Her Majesty's present Government a great moneyed conspiracy, the excitement caused by which was greatly to be deprecated. Now, then, all measures of reform were to be discarded, unless pressure from without forced them into consideration. He (Mr. H. Berkeley) had been returned to that House as a partisan of Her Majesty's present Government; he adopted the word and stood by it, as long as they merited the appellation of a Liberal Government: he was sent there to assist them to carry out measures of reform when and where needed; but he frankly told the noble Lord that there was a strong opinion prevailing that the noble Lord never was ready to give the people measures remedial of grievances unless upon compulsion, and that the people began to look to the right hon. Baronet the Member for Tamworth as more likely to assist them. Indeed, it was with pain that he viewed the minorities in which Government had been left as regarded the ballot and triennial Parliaments. When hon. Gentlemen opposite were pleased to walk out of the House, or to absent themselves, and left the noble Lord to his own party, those to whom he ought to look for support, straightway he was in a minority. Depend upon it, the people disliked to behold a Liberal Ministry rely upon Tories for support against liberal measures. He did trust that the Government would not, on that occasion, pursue their late disreputable course—he need not say he meant politically disreputable—and that they would season that majority which the Tories were sure to give them by some attempt at argument.

SIR G. GREY was rather surprised that the hon. Gentleman who seconded the Motion should have expressed himself with any uncertainty as to the course the Government would take on the present occasion; for the hon. Gentleman must recollect that this identical Motion—identical in substance, if not in terms—was brought forward in the last Session of Parliament by the hon. Gentleman the Member for Montrose—that it was debated at great length, and with great ability, during two nights of the Session — that his noble Friend at the head of the Government did then argue the question — and that the arguments he addressed to the House, in common with other hon. Gentlemen, ended in the result, that, on the division, the House, by a large majority, refused to entertain the Motion of the hon. Gentleman. And even if his noble Friend did not on this occasion express his opinion on the subject, no one could forget the arguments which he had used when the question was previously before the House. They were, he admitted, somewhat differently situated this year. The hon. Gentlemen the Member for Montrose had alluded to the special circumstances under which he now brought forward the question. He had alluded to the absence of any petitions in support of the Motion; whereas last year he had introduced his Motion by referring to a number of petitions, which he claimed to be in support of his Motion, but which

might more properly be claimed by the hon. Gentleman the Member for Nottingham, not in support of the four points of the Charter, but in support of the six points of the Charter. A year had since passed over, and they had now an additional twelve months' experience; and he (Sir G. Grey) was ready to take issue as to whether the question should be entertained or not, on the ground on which the hon. Gentleman the Member for Montrose had put it—namely, the state of this kingdom—its internal state—and its condition as contrasted with those countries on the continent of Europe, with which the hon. Gentleman had invited them to compare it. He (Sir G. Grey) was not going to say a word against the measures taken in various States of the Continent, to obtain that liberty that too long had been denied to them. They might wish them success in their struggles for constitutional liberty; but when the hon. Gentleman told them that they ought to look to those countries and envy them the political rights they enjoy, the first feeling they must entertain on entering into that comparison was a feeling of unfeigned thankfulness for that constitution, the value of which had been tested in adverse times. The hon. Gentleman stated, that the great object at which he wanted to arrive was the absence of all military force for internal purposes. He desired that any army kept by them, they should keep for the defence of their colonial empire, or to protect them against external foes. He (Sir G. Grey) wished the time might come when they might dispense with an army even as a defence against foreign aggression, and that the period might arrive when, in accordance with the wish of the hon. Gentleman the Member for the West Riding of York, the sword might be turned into a ploughshare, and when they should cultivate the arts of peace, instead of the arts of war; but without any disparagement of those countries to which reference had been made, he (Sir G. Grey) would say that he was again willing, with regard to this point, to appeal to facts and experience. He asked, was the hon. Gentleman willing to take universal suffrage with the accompaniment that now exists in Paris, and which in every other country had been recently found to be the invariable accompaniment of great and sudden political changes? It was perfectly astonishing to hear the hon. Member laud the existing state of things in France, and speak of the admirable manner in which the legislative proceedings of that country were carried on, when he must know that it was solely owing to the maintenance of an overwhelming military force in Paris, aided by the firmness of the Government, that any order and tranquillity was secured, and the deliberations of the Assembly suffered to proceed. Let the hon. Gentleman look to America, where universal suffrage was established, and he would find that circumstances might occur even in one of the cities of the United States, that might make it necessary for armed troops to appear in the streets, and that their exertions in the maintenance of public order, which the Government were bound to maintain, were attended by the loss of life to an extent which, thank God, had not been known to occur for years in this country. [Mr. HUME: There were not soldiers there.] Not soldiers there? He could only say, there were armed men there, and that deaths had been occasioned by gunshot wounds. They relied there upon armed men to keep the peace: he was speaking of armed men as distinct from the civil force. There were circumstances, quite irrespective of the constitution they might enjoy, which might render it necessary to appeal to armed men to maintain the peace; and it was a delusion to hold out the idea that the absence of all military in support of the civil power would be one of the results of entering into the series of changes which the hon. Gentleman proposed to adopt. The inefficiency of the police in many parts of the country rendered necessary a larger military force than would otherwise be required; but when the hon. Gentleman spoke of the people being kept down by military force, he spoke of a state of things that did not exist. The hon. Gentleman had stated that his maxim was "slow and sure;" and he (Sir G. Grey) consequently presumed that he merely asked for the consent of the House to this Motion as an instalment towards further reform. Suppose this Motion was carried, and that a Bill founded on the resolution should be carried, when they came to the Motion No. 4 on the Paper of the day, what course would the hon. Member take? Did he intend to oppose the Motion of the hon. Member for Nottingham, who asked for two points more of the Charter? Or would he say that this Motion being carried, finality would be his doctrine? He (Sir G. Grey) thought it was advisable that

they should have some explanation on this point; for what he principally objected to was, that the Motion was extremely vague and indefinite. The hon. Gentleman had told them that as to one part of the Motion —that relating to the extension of the suffrage—he could not find two men to agree. He said it was the privilege of Englishmen to differ, and he asked them to agree to the principle of a Bill founded on a Motion framed in general terms. He said they might agree to what they should think to be most effective in Committee, and was willing that the opinion of the majority should be adopted; but he (Sir G. Grey) thought that before they consented to give up the constitution they now enjoyed, they ought at least to know where he invited them to proceed to, what he proposed to them to agree to, and where he suggested they should stop. The points stated by the hon. Gentleman in his Motion were—first, extension of suffrage; secondly, the ballot; thirdly, triennial Parliaments; and, fourthly, a remedy for the inequalities of the franchise. With regard to the extension of the suffrage, the hon. Gentleman, after referring to the general disagreement that existed as to what the suffrage should be, stated that household suffrage should be adopted. He (Sir G. Grey) would remind the House of the appeal made by the hon. and learned Member for Reading last year, on the discussion of the Motion of the hon. Gentleman opposite. When the proposition was made, the hon. Gentleman said, it means, not the man that is a householder, but the man that a house holds. Why, then, exclude the gipsy, who may be a more independent voter than many a man who has a house? To show there was a necessity for something more explicit than the hon. Gentleman had stated, he (Sir G. Grey) must refer to the opinions of gentlemen who professed to advocate the opinions of the hon. Gentleman. At a meeting held at Cardiff last year, professedly to support the question of the hon. Gentleman, a—

"Mr. Williams explained why he preferred universal suffrage. There were large numbers of intelligent men who by household suffrage would be excluded from a participation in political privileges. He alluded to half-pay officers, clerks, tradesmen, and all who were lodgers, who, whatever their position in society might be, would not have the right of voting, simply because they were not householders, and for no other reason. If household suffrage were adopted, then all who were not householders would have no votes; whereas the occupier of a house, however humble, would have the power of voting. This, he conceived, would be unfair. However, Mr. Hume's Motion extended no further than household suffrage; and as it was better to receive part of a loaf than no bread at all, and as household suffrage was only a stepping-stone to a more comprehensive system of voting, he would support the present object of the meeting."

If he (Sir G. Grey) understood the hon. Gentleman correctly, he proposed to meet the objection by agreeing, not to limit the suffrage to householders, but to extend it to every man whether having a house to cover his head or not. If that were the extent to which the hon. Gentleman intended to go, why shrink from adopting the terms of the Motion of the hon. Gentleman the Member for Nottingham, and ask the House to agree to universal suffrage? He did not understand the hon. Gentleman opposite by universal suffrage to include persons under age, or females; and if the hon. Gentleman stopped short of those classes, he did not see much difference between him and his hon. Friend the Member for Montrose; and it was for his hon. Friend to say why he stopped short of the Motion of the hon. Gentleman the Member for Nottingham. He begged to refer to the opinion of Mr. Jones, another of the supporters of the hon. Gentleman at the same meeting. After referring generally to the movement for reform which was now taking place in numerous parts, he said, with reference to the object of the meeting, that—

"He preferred taking a portion of the debt that was due to the people, rather than to be without any part of it at all. The question of the suffrage was founded on the rights of man, and not on the accident of his being a householder. In the present state of parties, the mode of action intended to be adopted by the meeting was, probably, the shortest cut they could make in order to restore the full enjoyment of the rights of mankind. To him (Mr. Jones) it appeared quite unintelligible why it was possible to deny any man the suffrage if you granted him liberty; because he believed the suffrage was a necessary accompaniment of liberty. If a fellow-being was granted his liberty, how could that liberty be complete unless he was given the right of showing by his voice whether he consented to the measures and to the system under which and by which he was governed?"

Now, if these were the real opinions of the advocates of his hon. Friend, they were not called upon to decide between the existing limitation of the suffrage and some other limitation, but between it and universal suffrage. The hon. Gentleman had spoken of 8,000,000 of adult male population; but he would remind him that according to the late census, he should only have spoken of 4,000,000. The hon. Gentleman referred to a speech made by

Lord Ashley, on the distribution of prizes for certain essays; and he (Sir G. Grey) hoped he did not intend to disparage the efforts of the noble Lord the Member for Bath for the good of his country—efforts that could not be too highly praised. But when the hon. Gentleman quoted the opinion of Lord Ashley with reference to the intelligence and excellent qualities of the working classes, he could not ask the House to infer from that, that the whole question was decided, and that universal suffrage should be adopted, because amongst the ablest and best written of the essays were those written by women in humble life; and if the opinion of Lord Ashley could at all be quoted by the hon. Gentleman in support of his proposition, it was equally applicable to women. With respect to the doctrine of finality, he (Sir G. Grey) thought they were not bound to say that no alteration should be made now or at any future time. He never held that Parliament at any time could have the power of fettering the discretion of future Parliaments in matters affecting the interests of the country. They should deal with those questions as members of a deliberative assembly. Let them make those alterations that reason and their own judgment recommended to them; but let them not be driven into an undefined course, giving up blessings they had learned to appreciate, without knowing where they were to be led by the hon. Gentleman, when he asked them to adopt a proposition so vague and undefined as that which he had made. As to the extension of the suffrage, the hon. Gentleman had said it was difficult to know on what principle it should be extended. It might, it was said, be extended with respect to property, population, taxpaying, or education. The hon. Gentleman the Member for Montrose asked them not only to agree to universal suffrage, but also to agree to electoral districts; and though the hon. Gentleman the Member for Montrose shrunk from proposing equal electoral districts, all his arguments went to support them. The hon. Gentleman disclaimed any desire for equal electoral districts; but why then did he reject property as an element of qualification—why did he refer simply to the population, thus taking a test that must necessarily lead him to equal electoral districts? However, he (Sir G. Grey) would not go into any argument on the subject of equal electoral districts, as the hon. Gentleman had disclaimed them. He (Sir G. Grey) was not saying that the present state of things was perfect. There might be occasion from time to time to correct anomalies in certain cases; but at the same time they should not adopt a proposition that would involve them in changes without the advantages to result from such changes being apparent. There were two other points referred to by the hon. Gentleman —one was the ballot, the other the question of triennial Parliaments. With regard to the ballot, the hon. Gentleman who seconded the Motion spoke evidently with some degree of soreness of the result of the Motion he had brought forward on the subject the other night. He complained of being treated in a disrespectful manner, because the sense of the House had been expressed on the subject without a protracted discussion. Seven years had elapsed since a Motion on the subject had been previously brought forward; and in the absence of any recent expression of opinion from the people of the country that it should be brought forward, he (Sir G. Grey) felt it was not necessary to follow the hon. Gentleman, and thought it was not expedient to vote for his proposition. The hon. Gentleman had said that in the year 1842 he (Sir G. Grey) had voted for a Motion of the same kind. He said he had voted white on one day, and black another day. Such a charge applied rather to a question of fact, than to an opinion on a question of political expediency. Did the hon. Gentleman mean to say that the opinion he entertained at one period, was the opinion which must be entertained at every future period? He (Sir G. Grey) did support a resolution that the votes for Members of Parliament should be taken by ballot. He then represented a constituency where he saw influences used that induced him to declare, that though he had been an opponent of the ballot, if no other means were used to check those influences, he would not oppose the ballot. He reluctantly supported the ballot, and stated at the time the circumstances under which he did so. However, he believed that public opinion had been since expressed with regard to intimidation, to which principally he adverted, in a manner which had produced a great effect; and now without any desire on the subject being expressed on the part of the country, he did not feel himself bound to support the hon. Gentleman who had brought forward the question, without any occasion existing

for it at the present time. Nor could he disregard the strong reasons given by the hon. Member for Oldham against the ballot taken by itself. He was ready to submit to the reproach of the hon. Gentleman who seconded the Motion, whose life was no doubt one of unblemished consistency, and who had expressed so much anxiety for that reputation which he thought Ministers were indifferent to. He (Sir G. Grey) had acted in accordance with his conviction of what he thought at the time was right; and when the hon. Gentleman spoke of the influence of the Treasury bench, he could tell him that the first vote he gave for the ballot, having voted twice on the question, was given, not as a Member of the Opposition, but as a subordinate Member of the Government, sitting on the Treasury bench. With regard to triennial Parliaments, the opinion of the House on a future occasion would be expressed with respect to it, on the second reading of the Bill of the right hon. Gentleman the Member for Lambeth. As the hon. Gentleman the Member for Montrose had postponed that part of the subject, he (Sir G. Grey) was unwilling to introduce any discussion regarding it, until that Bill came before the House. The hon. Gentleman had concluded his speech by asking, "Does this House represent the nation?" That was a vague and undefined question, and might be equally asked of any one who stopped short of universal suffrage. Might not the same question be asked of him at any future time? Might not the hon. Gentleman the Member for Nottingham be also prepared to say, even though this Motion were carried, "Does this House represent the nation?" He (Sir G. Grey) thought that the House did represent the general feeling and opinion of the nation, They had seen the opinions of the people expressed repeatedly and most influentially in that House since the passing of the Reform Act. They had seen great measures passed, and other measures defeated, because public opinion had acted upon the House. He thought that we now enjoyed great and inestimable benefits, and that great danger was to be apprehended from entering upon the course proposed by the hon. Gentleman; and he hoped, therefore, that the House, by a majority like that which marked its decision last year, would refuse the Motion of the hon. Gentleman.

MR. F. O'CONNOR said, that if it had not been for the allusion which had been made to him by the right hon. Gentleman the Home Secretary, it was not his intention to have spoken upon this subject. He believed that if to-morrow the working classes of this country had conferred upon them the franchise, and those powers which the hon. Gentleman the Member for Montrose had advocated, they would not be led into any physical revolution, because they were prepared to use them properly the moment they were conceded; but when France was referred to by the right hon. Gentleman as a reason for withholding further concessions to the English people, he would ask, whether that country was ever more tranquil than at this moment, and whether any election had ever taken place here more peaceably than the recent elections there? But the right hon. Gentleman had asked him whether he was for female suffrage, and to what extent his suffrage would go? His answer was, that the suffrage should be given to every man of 21 years of age, unblemished by crime, and at large—and he might be permitted to use an argument of the hon. Gentleman the Member for Montrose, to show that that would be the first step in the right direction towards Parliamentary reform. The hon. Gentleman had shown that at present there were 8,000,000 of adult males in this country; but even by the plan the hon. Gentleman himself proposed, the franchise would be conferred upon only 3,500,000. Although the right hon. Gentleman the Home Secretary had changed his opinion upon the ballot between 1842 and 1849, he (Mr. O'Connor) still entertained his opinion in favour of it. If, indeed, it were considered as a single measure, he should vote against it; but when it came to a question whether or no the constituencies of the country were to be circumscribed within the narrow limits in which money had a powerful influence over the electors, and popular opinion none, then, he said, give them vote by ballot with an extension of the suffrage. But he thought the noble Lord at the head of the Government would discover that, while other countries were in turmoil and revolution in consequence of not making those concessions which the English people were better prepared to use, he would be obliged to make an onward instead of a retrograde march. The right hon. Gentleman the Home Secretary had alluded to the circumstance of no petitions having been presented on this subject in the present Session. He thought the reason could be

given. He had determined, so long as he had anything to do with popular agitation, and that would be so long as he had strength to go on, that he would not throw any obstacle in the way of the hon. Gentleman the Member for Montrose, so as to give the noble Lord any advantage. He (Mr. O'Connor) had shown the people out of that House, that by the Emancipation Bill, by the Reform Bill, and by free trade, they had been juggled, and it was only by catering for political power on the presumption and promise that those measures would lead to social benefit, that the working classes were ever enlisted in that onward march. And let them not taunt the Chartists of this country with violence; they never burned Bristol or Nottingham Castle, or carried about the figure of a king, and threatened to cut off his head if reform were not granted. And he defied any man, however they might be abused, to say that the Chartists ever fostered or cherished revolution in this country. It was because he believed that what had been done by physical force in other countries could be done here by moral force, that he should advocate the Charter. But the right hon. Gentleman, in referring to the hon. Member for Montrose not having presented any petitions on this subject, had furnished him (Mr. O'Connor) with the strongest reason for not proceeding with his own Motion that evening. He had presented no petitions upon the question, but he had received applications from nearly every town in England to postpone his Motion until they could send up petitions to that House, in order to show that they were still determined to persevere. They certainly would not have a monster petition like last year; but the several Members of the boroughs and cities who presented the petitions would have to vouch for the signatures attached to them. There was a mind in this country looking to progress, and he would tell the right hon. Gentleman and the noble Lord not to hug themselves with the belief that, because foreign countries had made an evil use of the powers that had been conferred upon them, that would be a justification for refusing to grant such powers in England. He should vote most cordially for the Motion of the hon. Member for Montrose, assuring him, in his own words, that it was but the beginning of the end, and that, even if the Motion were carried, it would not prevent him (Mr. O'Connor) from supporting the principles of the Charter, or bringing forward his Motion on that subject.

Colonel THOMPSON said, the hon. Member for Nottingham, and some on that (the Ministerial) side of the House, must see whether they could not obtain more unity of action than had lately been the case; the reason being, that whenever any proposal was made which did not go the whole length of the proposal of the hon. Member for Nottingham, it was met without further consideration, by the argument that they might just as well go "the whole animal" with him. He was ready to admit that the Motion of the hon. Member for Montrose was not brought before the House in altogether the most happy and fortunate manner; it did not appear to him a course of proceeding calculated to bring over to their side any great quantity of Ministerial support; and therefore he should be highly gratified, if on further consideration some signs should be given, that the men who were in truth the representatives of the authors of the greatest revolution that had ever taken place in the history of the world, were prepared to make some concessions, and to take the lead they ought to take in advancing the interests of this country, along with those of Europe in general. Every country, and particularly England, was seriously interested in the general success and extension of liberal principles in Europe; and it was sad and sorrowful that those whom nature had made to be the leaders, should not be found taking the place for which they were designed.

Mr. CAMPBELL pointed to the weak and wretched equivocation of the Member for Montrose and his supporters, as to the mode in which their proposition was related to the proposition of the hon. and learned Gentleman the Member for Nottingham. Would this reform, if granted, avert or precipitate the Charter, was a question which the House had a clear right to put to them, and to which they shrunk from giving any kind of satisfactory reply. Silence, however, upon such a point was affirmation, and it might be properly observed of them on this point—*Dum tacent clament.* If they conscientiously believed that such a project as they advocated would drive Chartism to a greater distance than it was at present, they would not be slow in their professions of that conviction. It was, therefore, as a measure to accelerate the introduction of the Charter, he (Mr. Campbell) would feel entitled to regard this new Reform Bill. It was under these cir-

cumstances proper to consider to what the Charter would amount, and a very short train of reasoning would suffice to prove that the Charter in its application to the British constitution would amount to pure, absolute, and unlimited democracy. He would grant as an hypothesis that pure and unlimited democracy was well adapted to the interests of mankind in general, and the welfare of the British empire in particular. He granted that an aristocracy was likely to draw improvement from a system which excluded it from public business—a middle order from a system which put an end to its political ascendancy—and a lower class from a dominion which robbed industry under the pretence of raising it, and perpetuated pauperism under the pretence of abrogating poverty. In return for this concession, he would ask it to be granted to him, that a Reform Bill which the public mind had been brought to identify with Chartism, and, through Chartism, with Democracy, would be resisted by a large section, if not by the whole, of the middle classes and the aristocracy; that if the House, by allowing it to advance some stages, gave the country any prospect of its speedy consummation, immense excitement would prevail; other topics would succumb, other interests would vanish. When the great measure for transferring the formation of the House of Commons from the aristocracy to the middle classes was propounded, every particle of legislative talent and political excitement was drawn into that controversy. It was not presumptuous to infer that when a change far more violent was impending, or thought to be impending, there would be the same absorption of the public mind, the same neglect of other topics, the same incapacity for the settlement of other questions, until a question so vast and so tremendous was decided. If, therefore, he could establish that any class of questions required immediate consideration, and could not be postponed until this new Reform Bill was accepted, without a grievous sacrifice of public interests, he should give the House sufficient reason for denying the leave to bring it in, which the Member for Montrose solicited. He then contended *seriatim* that the state of Ireland, the condition of the colonies, the financial situation of the country, and the claims of the working classes on the Legislature, each as an individual class of questions, constituted a well-defined and not to be mistaken path of duty to the present House of Commons; while considered in their aggregate, they furnished a great and an overpowering vocation to its energies. To desert that path of duty and set that vocation at defiance, for the purpose of accomplishing organic changes, could only be justified if those organic changes were recommended by great men, constructed upon sound principles, and essential to the public safety—suppositions against which he (Mr. Campbell) most emphatically and unreservedly protested. He denied that they were recommended by great men, inasmuch as great men, from their very nature, were incapable of treating with derision or contempt the most enlightened thinkers and the most accomplished writers on the very subject-matter upon which they proposed to legislate; and that such was the inclination of the hon. Member for Montrose and his supporters, the hon. Gentleman endeavoured to prove, by referring to the greatest ancient and the greatest modern name connected with political philosophy. He denied that the proposed changes were constructed on a sound principle, inasmuch as the principle on which they were constructed—namely, that supreme power ought to be consigned to a numerical majority—had been condemned as false, degrading, and destructive, by all who had fairly recognised and candidly confronted it; and it could only be justified in such a state of moral, of intellectual, and of social equality, as no community presented, or ever could present. He denied that these changes were essential to the public safety; inasmuch as the opinion of the people, on the substantial justice of our present representation, had been unanswerably shown by the ardour and enthusiasm with which they prepared to defend the House of Commons against a profligate attempt to overawe it on the 10th of April, 1848—a day upon the moral lustre and political magnificence of which, it did not become obscure and silent Members like himself — but was rather the work of orators or poets — to expatiate. The hon. Gentleman next laboured to show that no identity existed between the principle of the Reform Bill and the principle of this new scheme—that the latter was immediately subversive of the former —and that whoever was disposed to accept and eulogise the one, must be disposed in the same proportion to reject and stigmatise the other. The object and effect of the Reform Bill was to give power to a class, as to whom the effect of this Bill, by indefi-

nitely extending the elective body, would be to overwhelm and to disfranchise. Democracy might be a benefit; but democracy could not in its nature be reconciled with that ascendancy of the middle orders which the Reform Bill had called into existence. As the Member for Montrose and his supporters were in the habit of taunting the noble Lord and his supporters with a reluctance to argue upon these questions, he (Mr. Campbell) would only say, that he was prepared to consider the results of a democratic system on the different branches of the constitution, and the different classes of the nation. He confined himself to the position that democracy was the worst foe to whom the interests and hopes of the working masses could be handed over; that such was the instinctive creed of all philanthropists; that the history of the world and the state of Europe supported it by cogent proof and lively illustration. Some attempt, however, was made to justify the monstrous proposition which the hon. Member for Montrose had started as a protest against finality; and some abhorring it with all their hearts were inclined in this respect to consider it with favour and indulgence. He (Mr. Campbell) distinguished between finality in principles and finality in details. If by finality was meant adherence to the details of the Reform Bill in all times and all circumstances, no one had espoused, and no one was required to repudiate it. If by finality was meant, that under no conceivable conditions, and under no imaginable circumstances, the system of the hon. Member for Montrose, and the results which were involved in it, would become the reverse of disgraceful to the English name, and intolerable to the English people, he (Mr. Campbell) was a disciple of finality. It had also been attempted to support these proposals by adverting to the democratic tendencies of Europe. To exult over the confusion which democracy had poured upon the Continent, would not be wise or patriotic. Europe might be justified in the risks it had incurred, and the disasters it had courted. In Europe there might not be any intermediate region between despotism and democracy. To fly one form of tyranny, it might be necessary to embrace another. The condition of a perfect constitution, viz., a large, an opulent and energetic middling order, might be wanting to the German and Italian kingdoms. In England it was not wanting: would it not be mad and suicidal to sacrifice our privilege, to trample on our pre-eminence, and to cast away the blessing we possessed, because Europe was not even gifted with the primary condition of attaining it? The hon. Gentleman, then in the form of a personal appeal to Mr. Cobden as the leader of the democratic party, inquired whether it was worth while to give up Ireland, the colonies, finance and the lower orders, to neglect, confusion and despair, for the purpose of precipitating a system of which the positive effects would be as far from beneficial to the public as those which he had traced to unlimited democracy, and concluded almost as follows:—Since, therefore, it appears to me that this Motion has no foundation in truth, and derives no colour from expediency; since, if designed as an impeachment of the existing House of Commons it is unsupported and calumnious; if as an incentive of its energies it condemns and contradicts itself; since without any prospect of equivalent or practical advantages, it invites you to subvert the constitution as established at the Revolution, the Septennial Act, and the Reform Bill; since in the place of that unparalleled, however far from perfect, organisation, it proposes to erect a system which the course of history does not recommend to us—which no political philosopher has vindicated—which Europe, having placed its lips upon the cup, recedes in terror and convulsion from its bitterness; a system which has not worked well for men of cultivation and refinements—which never led to satisfactory results for the classes who depend on capital for their revenue, but which you cannot fairly represent or adequately stigmatise, except by pointing out that it is fraught with the seeds of a demoralising ruin for the lowest and the largest order of society: since the tendencies of this Motion are such as I have briefly recapitulated, it would be my duty to the constituents I represent, and to the community in general, even if it gained the sanction of the noble Lord himself, to meet it with a firm, a final, and emphatic negative.

Mr. LOCKE KING said, that in the course of the comprehensive and somewhat hypothetical speech of the hon. Member who had just sat down, he had expressed not only his own opinions, but, judging from the place (the Treasury bench) from which he had delivered them, the opinions of Her Majesty's Government. He doubted, however, very much whether he had expressed the opinions of the inhabitants

of the borough which he represented, unless they were considerably altered from what he (Mr. L. King) recollected them to be. Some surprise was felt that in the present state of public feeling the subject now before them had not been taken up in good earnest by the responsible advisers of the Crown. It excited no small degree of surprise that they had not taken up that which must henceforward be an annual Motion. He felt the more surprise that this subject had not been taken up by the Government, when he reflected upon the satisfaction with which the noble Lord at the head of that Government must look back at the part that he had taken in passing the Reform Bill—that Act which had so greatly contributed to the preservation of the peace of this country throughout the last year. Having been concerned in passing a Bill of such vast value and importance, he could not help feeling some surprise that the noble Lord did not introduce another and a further Reform Bill. It was well known that many persons who were strongly opposed to those measures of reform which the noble Lord was concerned in passing, had expressed their warm approbation of the Reform Act in the course of the month of April, 1848. They resisted Parliamentary reform when it was a question; but when the public peace was in danger, they rejoiced that the measure had been passed. They must all feel that the political state of the country might again be in a very troubled condition; and of this the House might rest fully assured, that a refusal of the concession now demanded at their hands, could not fail to augment the evils and difficulties of any period of political disturbance. Those who opposed the present proposition could scarcely conceal from themselves this truth, that they assumed a very great share of the responsibility which must attach to those who at the close of the present year were instrumental in preventing England being further in advance than she was of the nations of Europe. If England wished to be amongst the elder sisters of the free nations of the world—if she found that the Bill of 1832 had proved eminently conservative—he ventured to affirm that they would not be long before they discovered that another measure of a like kind would be useful and necessary. At present there was no political excitement; the Charter was dormant. [Mr. O'CONNOR: No, no!] Well, at least there was a lull, and they would do well to put down, or rather prevent agitation, by acceding to the reasonable requests of the people. Let them beware lest they should delay a measure of this kind too long. History abounded with cases that ought to be regarded by them as warnings. If they had agreed in time to some measure of reform before the Bill of 1832 was forced upon them, they might have escaped with the disfranchisement of a few rotten boroughs, and the enfranchisement of a few large towns. The corn question presented a similar case; for if they had made early concessions respecting the corn laws, they might have retained what they were now endeavouring to obtain, namely, a small fixed duty. He sincerely rejoiced in these two instances of delay. In the one case they obtained the Reform Bill, imperfect as it was, and in the other the total abolition of those obnoxious laws—the corn laws. But here he confessed he must stop. He wished for no further delay in the present case, although he did not desire a more extended measure of reform than that proposed by the hon. Member for Montrose. He was not going to provoke an Irish debate; but if they wished for instances of the ill effects of delay they had only to look to Ireland, which afforded a sufficient and memorable instance, for that unfortunate country baffled the wisdom of the wisest of our statesmen. It might be asked, what were the peculiar grievances of the people of England? They complained that the principle of the Reform Bill was not carried out; that they paid taxes while they were not represented. They complained, moreover, that small boroughs were represented while large towns remained unrepresented. He would take a chance case, occurring in his own county. The borough of Reigate, with a population a little over 4,000, had a constituency, not amounting to 200, and returned one Member; and the borough of Guildford, with a population not amounting to 6,000, had a constituency under 500, and returned two Members. These two boroughs, with a population below 11,000, returned three Members to that House, while, in the division of the county which he had the honour to represent, the town of Croydon, with a population double that of the two boroughs he had mentioned together, did not return any Member at all. He had had some conversation with the 10*l.* householders of Reigate and Guildford, and, with the greatest respect for them, he must say he had been unable to discover that they were superior in intelli-

gence to the householders of Croydon. He believed, then, that so long as that House allowed these anomalies to exist—so long as the wealth nnd population of the country continued to increase—and so long as Parliament continued to contend against common sense—they would provoke agitation and irritation in the minds of a people who had shown that they were as fit to be trusted with political rights as any other people on the face of the earth. Hon. Gentlemen might boast that the people of this kingdom were attached to the ancient constitution of the country. He (Mr. King) rejoiced at this, and he might also boast that the people were now able to obtain the necessaries and luxuries of life more readily than at any previous period; but what the people desired was, to preserve all that was valuable in that ancient constitution, and to secure that cheapness which they had provided for themselves with so much difficulty. They felt that this could alone be done by an extension of the suffrage, and they felt that sooner or later there must be another Reform Bill; and that whenever it came it would produce great good. It would do so by the enfranchisement and elevation of a vast number of men to the rank and dignity of citizens; and by making them free and complete members of the political community, tens of thousands of persons would become devoted to the constitution, and what were now looked upon as the odious privileges of the 50*l.* tenants in the counties, and of the 10*l.* voters in boroughs, would then be regarded as their just rights. The country would thus derive additional strength by recruiting the legions of her citizens, and by drawing to their ranks honest, industrious, and intelligent men, who now only felt dissatisfied because they felt the injustice of being denied the rights of free citizens.

Mr. NEWDEGATE could not help being struck with the difference of opinion which existed on this subject on the other side of the House. The hon. Member for East Surrey was prepared to go to an extent which might be half far enough for the hon. Member for the West Riding, but a great deal too far for the hon. Member for Cambridge, with whom he (Mr. Newdegate) entertained some fellow-feeling, when he deplored that the time of the House should be wasted in this discussion. He (Mr. Newdegate) regretted that the hon. Member for Montrose should think it worth while to try his own health—which every one in the House must regret had not been good of late—and the patience of the House by the introduction of this Motion, which the hon. Member must feel was, so far as he was concerned, a useless formality; for the hon. Member for Montrose could not conceal from himself or from the House, that, although he called upon the House to undertake the reconstruction of the constituencies, he had, in point of fact, taken, with the assistance of some others, that duty upon himself, and proposed that the reconstruction should take place, not in that House, but in a house situate in St. James's-square, namely, the Free Trade Club. He wished to call the attention of the House to some circumstances connected with the persons who were now taking the lead in this movement, who formerly composed the Anti-Corn Law League—the title of the association was changed, but the *personnel* was the same. He would do so for the purpose of showing what they meant by Parliamentary reform. In 1845 those gentlemen, who appeared now so anxious to enlarge the franchise, sent in three days, through the post-office, at Manchester alone, no less than 23,000 notices of objection. This was a pretty wholesale attempt at systematic disfranchisement! The attempt was supported by professional ability, and by unscrupulous perjury in the registration courts. His (Mr. Newdegate's) constituents were among the objects of attack; but it appeared that the failure of the objectors in North Warwickshire, and in other districts, rather disheartened the League. Out of 700 objections which they served in one parish in North Warwickshire, they sustained but 12, and they at last withdrew their objector, because he had been proved to be perjured; so they changed their tactics, and, instead of attempting to disfranchise, were now determined, as it appeared, to swamp the constituency, he (Mr. Newdegate) represented, by the creation of freeholders and faggot votes. In the years 1845 and 1846, the funds at their disposal enabled them to carry on this system to an enormous extent. It was in evidence that 98,000*l.* passed through the office of Messrs. Sale and Worthington, for the purpose of creating votes in South Lancashire and Cheshire alone. They purchased buildings, which they divided, severally, among persons whom they desired to enfranchise. Out of one building alone, in the West Riding, forty-seven persons were qualified,

not one of whom had any connexion whatever with the locality. Buildings thus used were named after the prime movers in the undertaking—they went by such names as Cobden-row and Bright's-buildings. In the town of Honley, in the West Riding, was one of the principal scenes of this practice, to which the hon. Member for the West Riding, in great measure, if not entirely, owed his seat. The result of their proceedings was given in the most compendious manner at one of the latest meetings of the Anti-Corn Law League, by Mr. George Wilson, the chairman of the League, one of its most active members, and a very able man. He (Mr. Newdegate) heard that gentleman examined before the Committee, on votes of electors. He was at first rather unwilling to acknowledge the authorship of a speech which had appeared in the League newspapers, although he afterwards fully and candidly admitted it. Mr. Wilson said—

"We never should have advised the second attack upon the counties, unless, by past experience, we had felt justified in the policy of it; and, in order that you may judge of the success of that policy, I shall detain you four or five minutes longer, that you may know the results of our registration movements in the revision courts last October. The first county to which I shall refer is one over which the monopolists have sung their songs in triumph, as having defeated the League therein—North Warwickshire. Owing to casualties over which we can have no control, certain unfavourable results in some portions of the country attended the efforts of the League. All that can be said is, that the monopolists have had a narrow escape. The total county constituency of England is 445,630; the numbers of those attacked are 143,731, so that we have dealt with nearly one-third of the entire county constituency of England. These, then, are the labours which have occupied our attention during the last year, and I am persuaded that it is but a mere beginning."

He (Mr. Newdegate) alluded to this speech in order to show the extent to which these operations were carried in 1845, and at the beginning of 1846. He thought it a very serious matter to find such operations renewed; and they were now renewed and avowed by the very same gentlemen. The system of attack now directed against the counties, was intended to exceed in extent that of 1845. But the efforts of those parties were not confined to the counties. He had the authority of the hon. Member for Manchester for saying that the new association which had sprung from the Anti-Corn Law League, was about to introduce the same system of interference into the boroughs of Lancashire. The hon. Member for the West Riding of Yorkshire, in the most emphatic manner, assured the House in 1846, that if the corn laws were repealed, the League would be dissolved. Instead of doing so, however, the same organisation, under another name, was carrying on a most wholesale system of corruption — a system far more corrupt than that which prevailed in the old rotten boroughs. He was aware that there was some difference between the former tactics and those now pursued by those gentlemen; but the end was the same. The former plan of importing strangers, suddenly erected into faggot voters, wholesale into the county constituencies, was rather glaring, and exposed them to the animadversions of that House; and therefore it was now proposed to facilitate the purchase of freehold lands in the counties—not in the honest and straightforward manner in which that was done by the hon. Member for Nottingham. No, those hon. Gentlemen who affected to be such purists—who pretended to be such great advocates for the purity of election —were promoting the purchase of freeholds in a manner that would have the effect of swamping the constituencies, while the parties whom they would enfranchise would have no liberty with respect to the manner in which they were to exercise their electoral rights. He was indignant, on the part of his own constituents, to find such measures resorted to. He believed that that constituency was as honestly represented as any in that House; and he felt that he should be wanting in his duty to his constituents if he did not warn the House and the public against the corrupt practices by which they were assailed. The purchases were effected by subscriptions and sums of money advanced to persons desirous of obtaining the franchise; but it rested with the managers of the Association whom they would enfranchise. If a subscriber was not able to pay what was considered the full value of the freehold—and few of the working classes could do so—then the money was taken in instalments. But if the Association felt safe of their man—if they were assured he would vote as they wished or bid him—then they advanced the difference between what he could pay at first, and the price of the 40*s.* freehold to him: he gave them security by bond or note of hand; but the security was not given upon the freehold, for if a mortgage were proved, that would be a fatal objection in the registration courts. The security was by

a bond of personal liability. Now, what was the position of a man so circumstanced? Why, he had his earnings, or his little property in the first instance, and had to pay up by instalments the residue of the sum which had been advanced to him, to effect the purchase of the 40*s.* freehold; and until he had paid up the whole of those instalments he was positively at the mercy of those who advanced the money, and if at any time he should vote against their wishes they would demand payment. To meet such a demand, he must mortgage the freehold, and then, at the next revision, they would object, and he would lose his vote. Therefore, the parties subscribing to this frechold scheme, unless they paid in full, which few could, must either vote for the promoters of it, or have no vote at all. Under these circumstances, he hoped the hon. Member for Montrose would forgive him for saying, that when he urged these great changes upon the House, on the plea of effecting purity of election, while he was associated with a party which, under the guidance of a small section of Members, conspired to corrupt and pervert the constituencies of this kingdom, he must not be surprised if his proposal was viewed with some suspicion. He must say that he looked with suspicion on the circumstance of the hon. Member for Montrose not defining the electoral divisions to be adopted. It was quite clear, that by apportioning the electoral divisions so as to include particular properties only, or particular portions of towns, or populous places which were under the influence of particular persons or classes, a corrupt constituency might be created; and he could not believe in the real honesty of this part of the proposition until he saw the demarcation of the electoral divisions clearly set forth. He never could concur in the proposition for the adoption of the vote by ballot. He had been in America during the election for a President; and under that system he could, if he had chosen, have voted, and a number of Irish labourers in the employment of a gas company had voted pretty nearly all round the Union. Were the ballot adopted in this country, it would be impossible to tell who might not vote, since it was impossible to connect the vote with the individual. He meant no disrespect to the hon. Member for Montrose; but he must say, that he did not think the Association with which he was connected, was such as to give the House confidence in his proposition with respect to Parliamentary reform.

Mr. BRIGHT said: I consider myself fortunate, Sir, in having the opportunity of rising immediately after the hon. Gentleman who has just spoken, as I am personally acquainted with some of the facts which he has detailed, and can bear testimony to how far his statements are correct. There is one mistake which the hon. Gentleman has made, and, considering the great attention he has evidently paid to the subject, I must say that I am somewhat surprised at it. The hon. Member said, that the new mode of enfranchising the people to which he adverted, had sprung from Manchester, and was presided over by my excellent friend, Mr. George Wilson. Now, that is not precisely correct. It is true that the Manchester people did originally begin a system of qualifying voters for the purpose of carrying the repeal of the corn laws. But the present system is different, and has its origin in Birmingham, not Manchester. And a gentleman residing in Birmingham, with whom, if I mistake not, the hon. Gentleman has had some correspondence — Mr. J. Taylor— [Mr. Newdegate: No!]—I judged from the newspapers that he had had some correspondence with that gentleman. [Mr. Newdegate: I have never had any correspondence with any gentleman of that name, except a banker.] Well, be that as it may, that is the name of the gentleman who has the honour of being the discoverer of the system which has so raised the hon. Gentleman's wrath. He proposed that instead of sending fruitless petitions to this House, and asking Parliament to discuss what the House has already made up its mind upon, it would be desirable that as many as possible of the middle and labouring classes should be encouraged to save a portion of their earnings, and unite together in investing it in the purchase of land to such an extent as should qualify them to vote for the counties by becoming possessed of 40*s.* freeholds. It is to this gentleman that the honour belongs; it never belonged to the League—in fact, Mr. Taylor, I believe, was never a member of the League. I wish he had, for I believe we should have made more progress in the midland districts than we did if we had had the benefit of his co-operation. But whoever has the honour of this discovery, it is, I think, most fortunate for the country that the plan has been discovered and put in force. For if we are to have speeches from the

Treasury bench, such as that we heard from the noble Lord the Member for London last year, and that we have heard from the right hon. Baronet the Home Secretary to-night—it is, I think, fortunate for the House, and I will add for the cause of order in this country, that there is a mode by which the industrious, peaceable, and intelligent portions of the working classes can grapple with the evil, and through it, even though with difficulty, thrust themselves within the pale of the constitution. If I am rightly informed, I understand that the hon. Gentleman the Member for North Warwickshire and his Colleague have already had a distinct intimation given to them that they must soon look out for another constituency. The hon. Gentleman says, he represents a majority of his constituents fairly. I do not deny that. I do not know that he does so, or that he does not; but if he represents the population of the county, the addition of these new voters to the roll of the constituency which will result from the plan alluded to, will not displace him. But when the number on the register shall be doubled or trebled, by the introduction of a large number whom now the hon. Gentleman persists in excluding, it will be seen whether his principles and policy are really in accordance with the honest sentiments of the people of that county. And I may here take leave to tell him honestly, that it is my firm conviction unless he changes those opinions and that policy greatly, he will not long continue to represent them. But, to come to the question before us, we cannot conceal from ourselves that this subject which has been introduced by my hon. Friend the Member for Montrose is one of great and growing importance. It is impossible to look at what is passing around us at home or abroad without discovering that in all civilised countries there is a great and powerful movement amongst the people, tending to a departure from the old ways of absolutism and irresponsible government, to a government more in accordance with the views and admitted interests of the people at large. Now, my hon. Friend's proposition comes before the House, as far as I can judge of it, under very high sanction. What is that proposition? My hon. Friend merely proposes that you should adopt in practice that which no one will deny is recognised by the theory of the constitution. We have the monarchical institution, with which we have found no fault. We live under, perhaps, the mildest monarchy in the world. We find that monarchy in the possession of privileges and prerogatives, which we have no wish to overturn or to interfere with. We have a House of Peers, which is another recognised portion of the constitutional system. That also has its privileges and prerogatives—and we find no fault with them. We admit that the monarchy is right as it is, according to the admitted principle of the constitution; and that the House of Peers is right, it being also in accordance with the same standard. But we maintain that that constitution recognises another element—a popular, and, if you choose, a democratic, element—and we who stand here, and those we represent—the common people of England—have as great and as undoubted a right to be sole and absolute in this House, as the monarch on the throne, or the Peers in the other chamber of the Legislature. But the system under which we sit in this House is by no means in accordance with this theory of the constitution, nor with the true interests of the nation. We have first of all—purposely, and by Act of Parliament—almost declared in words a system of exclusion, by which at least five out of six of all the grown men in the united kingdom are excluded from any direct exercise of political power; and you have beyond this an arrangement of our representation, so far as the middle classes are concerned, which, if not amounting to absolute exclusion, is a mere pretence of representing them, and, to a large extent, but a sham and a fraud. There has been an attempt to make it appear that the Reform Bill was the Bill of the middle classes, and gives an honest representation of those classes. But no man believes this in this House, and no man out of the House suspects it. And it appears to me that those have done much mischief who have endeavoured to persuade the working people that the present system of representation is a middle-class representation, and that the middle class have purposely excluded the working class. If the middle classes were fairly represented, such is the intimate connexion between the two classes, and so closely are the interests of the two classes bound up, that the representation would even now be much the same as if the proposition of my hon. Friend the Member for Montrose were carried, and the system it seeks to introduce were established. But can the middle classes of Manchester be said to be fairly represented, while two

Members on the other side sit for Stamford elected by the Marquess of Exeter? If you put the middle classes of Manchester and Stamford together, you will probably find them concurring in opinion; and the Manchester Members, therefore, may be said to represent the whole; but if their votes are to be neutralised by the votes of those who who would not be here but for influences which the constitution does not recognise, it is a fraud and an insult to say that the middle classes of Manchester are fairly represented. But I come to the reasons for the exclusion of those five-sixths of the whole adult male population. I do not insist at all on the plea of natural right; I believe our natural rights to be equal, but I speak of constitutional rights, and of the rights which common sense and common justice require should be given to these classes. The answer to me when I ask that they should be admitted to these rights, will, no doubt, be, that they are too ignorant to exercise the franchise judiciously, or that they are so vicious—a large proportion of them—that they would be likely to turn political power to purposes destructive of the interests of the country. I am not one of those who believe that it requires much school learning to enable a man to choose a Member of Parliament. Look at the Members who have sat in this House for many years past for the various universities of Dublin, Oxford, and Cambridge, and you will find that almost invariably they have opposed all those measures which the opinion of the country has demanded, and which the good sense of Parliament has at length conceded. The doctrine that scholastic learning is necessary to enable men to choose Members of Parliament, most assuredly derives no confirmation from what we have seen of the Members for the three universities. The right hon. Baronet the Member for Tamworth himself was obliged to leave one of these universities because he had determined to adopt the course which he then felt to be necessary, and which, every day of his life since, he has found more and more reason to know was necessary, for the public safety; the right hon. Gentleman who now represents the University of Cambridge is supposed to sit in a very precarious position, not because he has neglected his duty here, but because he has been endeavouring to banish from his mind certain prejudices, certain antiquated notions of former days, and has applied himself to the consideration of those questions which the pressing necessities of the country demand should be listened to in this House. The working classes of this country have made great progress of late years. There is abundant proof of this on every hand. Look at the circulation of newspapers among them—of newspapers most ably written, and most moral and excellent in their tone. Look at the circulation of cheap literature of every kind among them, at the efforts they are making—I speak particularly of the north of England, with which I am better acquainted—to educate their children, and, as adults, to educate themselves. There can be no doubt whatever that the artisan of this country in 1849 is a different being from the artisan of 1832; and in 1832 his help was not disdained by the noble Lord and the right hon. Gentleman near him, who called upon them to assemble, and petition and cry to Parliament for the passing of the Reform Bill. Look at the schools which every sect is establishing throughout the country; there is not a class of the population which is not growing in intelligence, and in the knowledge of those things which are most essential to enable men to perform their social and political duties aright. Is it said that the working classes are so vicious that they cannot be safely admitted to the franchise? No man here will dare to libel his countrymen by such a statement. If I were not afraid of wearying the House, I could quote some striking proofs that the working classes—that, especially the manufacturing population, of which certain parties here are always most afraid—are not those whose qualities, whose ignorance, whose vicious character, justifies that they should be excluded from a fair share of political power. I have already twice quoted in this House a statement made by the commissioners sent down by the Government of the right hon. Baronet the Member for Tamworth, in 1842, to Stockport, a town entirely manufacturing, the population of which is almost wholly engaged in the cotton manufacture. That commission published a report, which I lose no opportunity here, or elsewhere, of referring to, and the last paragraph of which gives most striking testimony as to the character of that population—for what was true of them then is no less true of them now. If I should weary the House for a moment, it is in pleading the cause of the population among whom I live, and whose character I am familiarly acquainted

with, and of five millions of men who cannot appear at this bar, and who have commissioned us, who hold these views, to state here that they do not believe they are properly excluded from the franchise, and to demand for them that they be restored to what they consider their just rights. The last paragraph of the report to which I refer runs thus :—

"We find, in connexion with the large earnings of this class, industrious habits of no common stamp, regulated and secured in great measure by the peculiar nature of their employment; and a degree of intelligence, already much in advance of other classes of the working people, and still growing with the general growth of popular education. It appears, also, that when in the enjoyment of prosperity, they avail themselves to a great extent of the advantages of provident institutions, and that partly through this, and partly through other circumstances, equally creditable to their character as a working people, they avoid almost altogether dependence upon poor-rates. On the occurrence of general distress, we find them neither a pauperised mass, nor readily admitting pauperism among them; but struggling against adversity, beating far and wide for employment, and in many cases leaving their country for foreign climates, rather than depend upon any other resources for subsistence than those of their own industry and skill. Those among them who have not been able or willing to leave a place where at present their labour is of little or no value, have been found enduring distress with patience, and abstaining, sometimes to the injury of health, from making any application for relief; while others, who have been driven reluctantly to that extremity, we have seen receiving a degree of relief sufficient only to support life, often with thankfulness and gratitude, and generally without murmur and complaint."

There is another document which I will beg leave to quote in relation to Stockport, and I quote it because Stockport may be considered an epitome of the whole manufacturing population. Mr. Sadler, the chief constable of that borough, in a report, dated May, 1848, says—

"It is almost unnecessary for me to observe that we are perfectly peaceable, and that, in my opinion, no apprehension need be felt of future disturbances in this neighbourhood. I believe the working classes of these districts are too far advanced in knowledge and moral culture, and possess too clear a sense of what is really necessary to improve their condition, than to be made the dupes of Utopian dreamers, but, especially, to be drawn into any insane project or measure of the physical force kind. I think the observations here made are fully justified by the past and present praiseworthy forbearance of this suffering community, for so long a period, who have not only evinced fortitude to endure privations for which there was no remedy, but have also had the courage to resist all attempts to draw them into any act of insubordination and mischief. You are aware, Sir, that during the most critical period of the agitated state of these districts, latterly, my confidence in the integrity of the workpeople never forsook me. Indeed, I never doubted but that the good feeling which generally prevailed would so far preponderate over any inclination to break the peace here, that we were perfectly secure, unless from some great and unexpected pressure from without. That coercion, however, was not exercised, and we have remained at peace; and, now that better times are anticipated, I am sure you will congratulate the working classes on their improved prospects, while their conduct in distress may be safely pointed out as a model which, in future, will be looked up to with admiration and applause."

It will not be denied, I think, that the character here given to the people of Stockport is, to a great extent, the true character of the whole working population; if further proof were needed, I would apply for it to the Treasury benches. I need only go back to about this time last year, when the right hon. the Home Secretary made what I may fairly call his inflammatory speeches about the state of the country—since all the real excitement of the period seemed to be in the mind of the right hon. Gentleman, and when the noble Lord near him, echoing the right hon. Gentleman, said that the Queen's Throne was not supported by the Horse Guards, but by the opinion of the people—by their respect for the laws, by their love of order. Well, all this is precisely what we say. We say, because we know, that the population have no feelings, no designs directed against the monarchy, against the constitution of the country. But they have designs against the system which places a ban upon them, and, whatever their intelligence, whatever their excellence, whatever their industry, whatever their ingenuity, shuts them out from a participation in the just privileges and rights which the citizens of a free State may naturally be expected to claim. Hon. Gentlemen seem to have some vague notions of danger, should the suffrage be greatly extended. I will not discuss the question whether you fear that were the suffrage extended, some of you would have to take a different course from what you now pursue; but I will take the supposition that your views and mine, and theirs, are the same; that we all alike want Parliament to be a reflex of the nation, in order that the virtue and the intelligence of the nation may be brought to bear on the Government, so as to render the institutions and administration of the country as perfect as possible. But you have vague notions of danger: you look at the labourer in the fields and the workman in the factories, and you think these men would

make sorry legislators; you fancy the smockfrocks if let into this House—yet don't fancy, I beg, that if admitted they would sit on the protectionist side—would set about some most impracticable, impossible, perhaps dangerous things. I admit fully that there are such persons as you contemplate in every class—men who understand very little, and who venture very much. But such persons are now, I believe, greatly in the minority, and if they came to vote for Members of Parliament, it would be a very different thing, and the motives influencing them would be very different from those which influence the men who sit in this House. Let any one of us turn to his own neighbourhood, and ask himself what the population among whom he lives would be likely to do if they had the franchise—what motive would most influence their choice. I honestly believe, that except in cases of extreme irritation, of fierce passions, not likely to be of frequent occurrence, and least of all likely when their rights were distinctly recognised —I honestly believe that these men would look around in their neighbourhood for him whom they believed most intelligent, most virtuous, most benevolent and useful among his neighbours; that in fact they would be anxious to send to Parliament precisely that man, and that man only, whom they would consult in their private concerns—they would select their Members of Parliament on the same rule by which they now so carefully select their poor-law guardians, their municipal officers; from the class from which, where the franchise is sufficiently extended, constituencies which are free now select their Parliamentary representatives. The noble Lord at the head of the Government last year used an argument which did not serve him much. He said that the present system worked well, and that it was not yet time, that there was, in fact, no reason at all, to disturb it; and he pointed to the many good measures passed since the Reform Bill itself, in proof of his argument. I do not deny that the Reform Bill was a great advance—that, under the circumstances, it was a large and valuable measure; but the noble Lord's argument was just as good against the Reform Bill itself, as against subsequent measures for completing that act. Sir Charles Wetherall, who was a great opponet of the Reform Bill, might with equal effect have replied to the noble Lord, "Why do you want the Reform Bill? There were plenty of good measures passed before the Reform Bill became law. There was, in 1828, the repeal of the Test Acts, and there was in 1829 the Act which admitted seven or eight millions of the population to their political rights." As to economy, it might have been shown that for two or three years before the Reform Bill, great economy had been introduced into the public expenditure, and these arguments would have been quite as conclusive against the Reform Bill as the noble Lord's against its extension. The very boroughmongering House which passed the Reform Bill was itself, on the noble Lord's principle, not requiring reform. No doubt there had been good measures passed since the Reform Bill; but what had in reality effected the enactment of those measures? What had passed the Reform Bill itself, for example; what had passed the Roman Catholic Relief Bill; but the same opinion which the noble Lord admitted had given, amid recent convulsions elsewhere, safety to the Crown and institutions of the country?—and the progress which has been made of late years has been in accordance with the popular and democratic element of the constitution, and not in a contrary direction. The right hon. Baronet the Member for Tamworth passed the Roman Catholic Relief Bill; the noble Lord the Member for London, the Reform Bill, the Municipal Reform Bill, the Abolition of Slavery Bill; the right hon. Baronet his great reform of the tariff, and that greatest and best of all measures, the repeal of the corn laws; but how were all these measures passed? An illustrious Member of the right hon. Baronet's Government declared in 1829, that the sole alternative of Catholic Emancipation was civil war, and to avert civil war, emancipation was granted: surely it was not a wise constitution which allowed things to grow to such a pass. The noble Lord's Reform Bill was passed in a hurricane of popular feeling, without which it would not have passed at all. The constitution was helped on by brickbats, the carriages of the noble Lords and hon. Gentlemen who opposed the measure being smashed over and over again, in many towns and villages of the country; surely it was not a perfect constitution that required the fillip of brickbats. Mr. Dickens has a story of a Captain Cuttle, who, in making a boy a present of a very large watch, tells him that if he only puts it on a quarter of an hour every morning at breakfast, and half an hour every day at dinner, it will do him credit; but whatever the case with Captain Cut-

tle's watch, the constitution which needs such vehement jerks to keep it moving, is scarcely one of a very creditable description. What brought about the emancipation of the slaves in our colonies? The expectation of a slave insurrection in Jamaica—not until it was found that the slaves in our colonies would no longer be kept as slaves, was our boasted constitution able to grapple with this great question. Again, as to the corn laws, what effected their repeal? The agitation of the Anti-Corn Law League was not an agitation of force. ["Oh!"] It was an agitation of conviction—["Oh, oh!"]—it was an agitation which not so much conquered our opponents, as converted them; and having once converted them, we have no apprehension that they will ever again be found in arms against us. Yet the right hon. Baronet, strong as his conviction had become in 1845, was not able to propose any change in those laws till he saw coming on in Ireland a calamity which must overpower all further resistance to his contemplated measures; and, aided by this, he carried the repeal of the corn laws. Famine, then, was the terrible agent which compelled our boasted constitution to permit the people of this great country to purchase their bread freely at the world's market price. Take the question of economy. The Member for the West Riding troubled the House—for no doubt it was considered troubling them—with the proposition to go back to the expenditure of 1835; this was considered a sort of harmless hallucination on the part of my hon. Friend. The hon. Member for Montrose then proposed reductions of a less sweeping nature. During the discussion of the various estimates, we proposed some trifling economies; but all our proposals had the same result. The House legislates on this subject of expenditure precisely as though there was no British nation, and as though taxation was unknown and unfelt within the limits of the united kingdom; whereas my belief is, that if the House of Commons truly represented the people, there is no question which would advance so effectually, or which would be deemed of greater importance, than this question of taxation, which presses so heavily upon the country. There is another great question, the question of Ireland. I take upon myself to say that the noble Lord and the right hon. Gentleman have both been aware for years that the laws relating to the land in Ireland were in a most defective and mischievous state. I myself, for three or four years past, have never spoken on the subject of Ireland without going into that question; and on many occasions Members on both sides of the House have expressed their entire concurrence in my views; and yet it has not been in the power of the Government to propose the change recently introduced, until the occurrence of calamities which overruled all the objections of the cavillers. It needed that half a million of our fellow-countrymen should perish of starvation, in order that the Government should be in a position to propose a simple remedy for a long-crying grievance. I can have no respect for a constitution or a system of representation or legislation which requires the menace of civil war ere it will grant Catholic emancipation—which must call in the aid of brickbats to enable it to give the Reform Bill—and which must be driven into the Sale of Incumbered Estates Bill by the starvation of half a million of the people of Ireland. The noble Lord probably thinks that the system at all events works well out of doors. Since 1836, when the working people saw they were cheated out of the promised admission by the Reform Bill, to the present moment, there has been an incessant movement throughout Great Britain in favour of an extension of the suffrage; out of that movement has arisen the frightful thing which men call Chartism—frightful, not in its demand that every grown man shall exercise the franchise; not from its six points; but because, during its discussion, passions have been stirred up, false principles inculcated, and animosities engendered, mischievous, when created in the minds of masses who conceive themselves excluded from their just rights, and which the men of property in this House, and those whom they represent, would do well to take good heed to. If the noble Lord doubts the reality of this, I will refer him to the Judges of the land for confirmation; I will refer him to the Attorney General, and to the Attorney General's predecessors, who will tell him that our prisons have been crowded with men who, however foolish or wicked their conduct, have enjoyed popular sympathy as assertors of popular rights. I will refer him to his right hon. Colleague near him, who, about the 10th April of last year, was dreadfully alarmed, or, if not really alarmed, assumed an hypocritical aspect of alarm, at the manifestations of political discontent throughout the country. The noble Lord said, last

year, that nobody out of doors wanted more reform; yet in the course of last summer no fewer than a hundred meetings, in all parts of the country, were held in favour of a measure similar to that now proposed, and infinite petitions were laid on the table of the House to the same effect. If no petitions on the subject have been presented this year, it is simply because the people, seeing the futility of petitions, have resolved to effect their object in another way, equally constitutional. The hon. Member for North Warwickshire has referred to that new plan of operations, and I am obliged to him for doing so; his mention of it will operate as an excellent advertisement. I will add to the information he has given: from a report of a meeting just held at Birmingham I will quote the following passages:—

"It may be worth while to state, that, stimulated by the example and aided with the assistance of the Birmingham society, institutions of a similar kind have sprung up all over the country. In Wolverhampton, the society has 700 members; Dudley, 150; Stourbridge, 300; Coventry, 450; Worcester, 80; Stafford, 100; Derby, 700; Newcastle-on-Tyne, 450; Bradford, 140; Cheltenham, 200; Sheffield, 300; Shields, 200; and London, about 5,000. In Birmingham, Dudley, Wolverhampton, Stourbridge, and Coventry, 1,636 allotments will very speedily be made. Altogether there has been called into existence a body of between 10,000 and 11,000 men, who, by prudence and economy, have worked out their own political enfranchisement. With regard to the Birmingham society, it now numbers 1,500 members, subscribing for 2,000 shares. It has already given allotments to 215 members in North Staffordshire, on the estates the directors purchased at Handsworth and Perry Barr; and having recently made another purchase at Bloomsbury, in North Warwickshire, they resolved to take advantage of these holiday times, walk in procession to the land, and place the members in formal possession. This estate is very pleasantly situated, commanding an extensive prospect, contains about thirteen acres, and has been divided into 231 allotments. Each allotment will thus contain about 300 square yards, with a frontage of from eighteen to twenty feet."

The hon. Gentleman denounces the undertaking as a conspiracy, and says that the votes are such as, under a proper interpretation of the constitution, ought not to be created. The hon. Gentleman, no doubt, respects the memory of the late Chief Justice Tindal. The report I have read from has these further passages:—

"We recommend this motto to every other town throughout the kingdom, from the lips of Lord Chief Justice Tindal, one of their great constitutional Judges, to the effect that 'the object of increasing the number of freeholders at a county election is not an object in itself against law, or morality, or sound policy. There is nothing injurious to the community in one man selling and another buying land for the direct purpose of giving or acquiring such qualifications. On the contrary, the increasing the number of persons enjoying the elective franchise, certainly appears to have been the essential object of the Reform Act.'"

That was the opinion of Chief Justice Tindal—a man who, so far as he was a politician, did not generally agree with us, but who was far too excellent a Judge to allow any such motive to influence him in the expression of his opinion. I am prepared to maintain that that is a system of which we ought to approve. I believe that every man who saves his money to get a vote, is socially and morally improving himself in so doing, and that his admission within the pale of the constitution will be a blessing to the country. But I would tell the noble Lord at the head of the Government, and hon. Gentlemen opposite, that there are circumstances in connexion with this matter which are not favourable, and which I could wish could be avoided. These men do not come forward to purchase these votes until they have a strong unchangeable conviction that it is their right to possess the franchise, and that they are unjustly shut out from its exercise. During the agitation of this question many speeches may be made which are by no means complimentary to this House, and some evils may be incurred in the pursuit of the object, which are, under the circumstances, natural and inevitable. When these men do come within the pale of the constitution in sufficient number to speak authoritatively in this House, they may come in as victors and you as vanquished. It would be far better that now, when the public mind is quiet—when these men are not exasperated—when they have not allowed irritation to find a place in their minds against you, and against the institutions of the country—it would be far better that you should now, in this hour of calm, consider this question, and prove to the great body of the people that the old system of having to compel you to do anything is gone by, and that at last experience has made you both wiser and more just. It is no answer to the claims of these unenfranchised men to say that a few of them can thus purchase qualifications. Some of the best of them are not able to buy them. Men with large families who do not happen to be engaged in those occupations which are well paid, are not able to purchase qualifications; and I hope the noble Lord will not make it a

reason for opposing the Motion, that I have pointed out that many of them—not a large number—are opening for themselves a way of coming within the pale of the constitution. Now look at the great features of this case. You have a population of 30,000,000, of whom 6,000,000 at least are adult men. Amongst these there are less than 1,000,000 of electors. The 5,000,000 are not slaves; they are not a class who do not see what we are doing—they are not a class who are ignorant of the effects of government on their material condition—they are not a class—a very large portion of them at least—who are much below ourselves in information on the most important subjects. Here are these 5,000,000, who have presented petitions year after year, and who stand about at elections—you have seen them about the hustings, looking up to the voters and the candidates, and ardently longing in their hearts to be in reality what the constitution of this country contemplated that they should be—men whose votes at least should influence this House. I have shown, Sir, I think conclusively, that this House, as now constituted, is incapable of making those changes which are necessary, until danger is imminent, or has overtaken us, as it has recently done in the case of Ireland. The noble Lord said the other night, in speaking of triennial Parliaments, that the country had sufficient influence in this House. If, by "the country," the noble Lord means his own order, what he said was true; but if he means what we intend by that expression, that is, all below the titled classes, it was not true. Look at the composition of the Cabinet. If this House represented the nation, is it likely that the Members of the Government would be all chosen strictly, and most exclusively, from one class? To show that the Cabinet is aristocratic, and not popular, I will observe that it comprises Lord Cottenham, Lord Lansdowne, Lord Minto, Lord Grey, Lord Campbell, Lord Clanricarde, and Lord Carlisle. Of fourteen Members of the Cabinet, seven are Peers. Then there are Lord John Russell and Lord Palmerston, who are not, indeed, Peers, but are precisely of the same class and order. Then there are five other Gentlemen, four of whom are Baronets, and one is not a Baronet. Of these, I find that one is the son-in-law and brother-in-law of a Peer; another is the son-in-law of a Peer; another is the nephew of a Peer; another is the grandson of a Peer, and the nephew of a Peer by marriage; and the last is the son-in-law of a Peer. Now you have been accustomed to this from childhood, and no doubt you think it right. The winning side always thinks what exists is right; but there is another side which may win some day, and which is beginning to find out that this is wrong. There is not a man in this House who objects less than I do to any of the noble Lords who hold positions in the Government. It is quite possible that you could not find in this House an equal number of men against whom so little objection could be raised. I might say the same of the Government which preceded them; but then I say frankly to them both—and I am sure they will not understand me as speaking disparagingly of them—that if this House were a fit representation even of the middle classes of this country, to say nothing of the working classes—still more, if it were a representation of five-sixths or of the whole six-sixths of the entire grown-up population of the country, it is quite impossible that you could have a Cabinet uniformly chosen out of one particular, privileged class of the community. It is because this House is aristocratic and not popular, that the Cabinet is aristocratic and not popular. And it is for this reason that these changes which public opinion demands, and will, if necessary, ultimately enforce, should be conceded. Now, before I sit down, I wish to ask one question. It is this: whether the five-sixths of the adult male population now excluded—I speak within compass—comprises a body of men for whom you have no respect, and in whom you have no confidence? What would be your country—what its greatness—what its history—what its past—what its future—if these five-sixths were all as entirely excluded from everything else as they are from the possession of political power in this House? I say that all virtue, all industry, all ingenuity, all morality, all religion, in the united kingdom, is not to be found amongst the one-sixth whom you choose to have represented in this House. Are your schools to go for nothing, your chapels for nothing, your churches for nothing? Is that great mass of the people which is between pauperism at the bottom and privilege at the top, to be considered nothing? And can you conceive that your constitution is good, or that your institutions are worth preserving, if you are afraid that this class, if once admitted, would overturn them? I am not the friend of disorder or of violence, at any time or in

any cause. I believe in my conscience that we who advocate the proposition of my hon. Friend the Member for Montrose, are truly the conservative party in this House. I am satisfied that whatever is valuable in your institutions would be consolidated by the passing of the measure which he proposes for your adoption. Do not think that I am unmindful of the liberty we enjoy. I honour the memory and revere the character of those who have gone before us, and who gained for us the personal and political liberty which we possess. But, in proportion as I honour them, am I anxious that we should not leave the world without having done something to repair and to amend the institutions which have been left to us; and I vote for the measure of my hon. Friend on this ground, that I believe that if it become the law of the land we should leave to our children and our posterity the priceless heritage of a renovated and enduring constitution.

Lord J. RUSSELL: Sir, whatever I may think of the Motion before the House, yet I cannot enter upon the discussion of it without paying a tribute to the moderation and fairness, to the total absence of bitterness of language, which marked the speech of the hon. Member for Montrose in introducing it. For my part, I am happy to see him again amongst us in renovated health; and, although I differ in opinion from him, I can have no doubt that nothing but the most patriotic motives has induced him to bring the Motion under the consideration of the House, with a view to improve the representation and correct the defects of our institutions. But with respect to that Motion, I must say that if there was much doubt and obscurity both in the past year and in the present year in the views of the hon. Member for Montrose—if he came before the House telling us that he meant to give the franchise to all householders, but that who he meant by householders he was unable to tell us; and that the old understanding of the word "householder" as a man who held a house was not his definition of the word—if, I say, there was some obscurity about the proposal of the hon. Member for Montrose, the speech of the hon. Member for Manchester has cleared it of all ambiguity, and I think must have shown the House, that, whatever might be the wishes of the hon. Member for Montrose himself, whatever might be his respect for the ancient constitution of this House, and however he might reverence those forms which have enabled him to act no undistinguished part, and to confer no small benefit upon his country; those who aid him, and in aiding overpower him, have no limitation in their designs—that, to use the words of the hon. Member for Manchester, they have no respect for the constitution; that they do not propose to stop short of admitting every adult male to the enjoyment of the franchise; and that, although this would not be obtained by the Motion of to-night—although it would not be effectual in carrying the six points of the Charter—yet that is the end to which the hon. Member for Manchester is directing his efforts. In considering this proposition, I must refer to what fell from the hon. Members for Bradford and East Surrey. Those hon. Members having said they wished they had seen me, as the author of the Reform Bill, taking a lead in this movement, I must refer a little to the considerations which actuated those who framed that Reform Bill. I should rather say, to some of the considerations, because I do not intend to weary the House by referring to them all. It so happened, that in the year 1821 I brought forward an enlarged plan of reform in this House, and that in 1831, as the organ of the Government, I proposed a Bill which was carried, and the main provisions of which became the law of the land. In framing that measure, our view was to found it upon the ancient constitution of the country, to consider what were the defects in the representation of the people in this House, and to amend those defects in the spirit in which the constitution was originally framed. Our object, likewise, was to amend it so as that our amendments should agree with the various parts of our ancient, free, and glorious constitution. We were not among those who professed no respect for that constitution. We held that it was essential that those who had the franchise should be possessed of independence and intelligence. If there was no independence in the persons who exercised the franchise, you could have no expression of the public will. If they had no independence, you could not obtain that which is the object of representation—the good government of the country. I was happy to hear the hon. Member for Montrose assert to-night that which I asserted last year—that the object of representation should be to obtain, not mere conformity to abstract rights, but the welfare of the community at large; and that there-

fore that system of representation which contributes most to the good government of the country, is superior to any theoretical plan of perfection which may be devised for the purpose by persons who are mere speculators. Such, then, being the object of obtaining independence and intelligence in the electoral body, let us consider for a moment in what condition we found the representation of the country in both these respects. We found in the counties a 40*s.* franchise, which, as we thought it secured as much independence as it was possible to secure, we retained. With respect to the towns, we found the ancient household franchise in existence; but, as in modern days it had become anything but an improvement upon the class of ancient burgesses—the men of property and intelligence who formerly composed this class—we thought that this kind of franchise required to be modified in order to enable us to obtain the object we had in view. And let me here observe, that much of the corruption which prevailed in the constituent body in the time of the unreformed Parliament, arose from the want of intelligence which is necessary in a constituent body. For instance, take the question of the corn laws. If a man were eager for the maintenance of the corn laws, or if he were eager for their abolition, he would, of course, vote for the candidate who was most favourable to his particular views, whatever they were; but if a man had never even heard the question stated, and was entirely ignorant of its merits, and if one of the candidates before him was ready to bribe him, that man, being totally indifferent to higher political considerations, would necessarily be easily affected by the bribe, and would give his vote, not because he was convinced of the merits of the candidate, but simply because he had been bribed by him. I say, therefore, that I think intelligence is essentially necessary in a body of electors. Then next with respect to the arrangement of the representation. We found that in this respect there were very great defects—those defects being chiefly of two kinds. A large number of the boroughs of the country were in the possession of individual proprietors, and the persons sent here were directly nominated by those proprietors, and represented only those individuals. This was of course inconsistent with any notions of popular representation. We found also that some of the great seats of manufacture and commerce had no representatives at all; that Manchester, Leeds, Birmingham, and other large towns, were entirely without representatives in this House. We proposed to correct those defects by cutting off more than 100 Members from the smaller boroughs, and supplying their places by conferring the representation upon the larger counties, the seats of manufacture, and the populous towns of the country. But while we considered that those defects required to be amended, there was another part of the constitution which did not seem to us to be so defective as the hon. Member for Montrose stated it to be at the time—I mean that part of it which comprised the sending of representatives to this House by constituent bodies of various kinds—by large counties and populous cities, and at the same time by smaller boroughs which are not affected by the passions and excitement which usually take place in large boroughs. Now, for my part, considering the varied character of the people of this country—considering their varied occupations—considering how many men there are of great intelligence who take little part ordinarily in political conflicts—considering how many men there are who give their labours to the world in the shape of works on political science, it may be, or who are conversant with commerce, but who do not enter into the agitations relating to the immediate political questions of the day—I certainly am of opinion that the country, taken as a whole, is far better represented by the varied kind of representation I have just mentioned, than it would be if we had nothing but two large divisions—the counties sending agricultural Members, and the large cities commercial Members, or representatives of the manufacturing interest. My belief was, and I still retain that belief, that, if instead of the present scheme of representation you were to divide the whole country into equal electoral districts, and to give fifty Members to the metropolis, and twenty-five Members to Manchester; and, if, in order to balance these, you were to give a similar number of representatives to the counties of Devon, and Sussex, and Norfolk, so far from your having a more complete representation of the country, you would have a much less complete and less perfect representation. You would, indeed, have a great number of persons representing the interests of Manchester, but you would have, on the other hand, a greater number of persons representing the agricultural interest; and you would

have few men not closely connected either with the one or the other, but who from their great attainments are well qualified to sit in this House; whose opinions would have great weight in it—whose talents would add a lustre to the representation, and at the same time be most useful to the country. The hon. Gentleman who spoke last alluded to the representatives for Stamford, and the influence which the Marquess of Exeter is supposed to have in that borough. I confess myself, that seeing the borough of Stamford has sent here a right hon. Gentleman whose long experience of public life, and whose knowledge of financial and commercial subjects are generally acknowledged, I do not think such a man out of his place in this House. It does not follow that I agree with that right hon. Gentleman. [*An interruption.*] I was not saying that the Members for Stamford were the representatives of the Marquess of Exeter. My belief is, that if the hon. Member for Manchester wishes to destroy all aristocratic influence, he must go further than he has yet proposed. It may be quite true that the Marquess of Exeter possesses influence in Stamford; but show me a county where there is a man of great landed property, and tell me if that man does not possess influence in that county also? Do hon. Gentlemen mean to destroy all such influence in counties? for until I hear some such declaration, I shall maintain that it is far better that we should have a varied representation—that small boroughs as well as large cities should be represented—than that we should have only two sets of men representing the antagonistic classes of opinions. In saying this, I have stated the grounds upon which I think the general alterations of the Reform Bill were founded; and if I have stated them correctly, it will be seen that they differ so entirely from the proposition of to-night, that it is quite impossible for me, or for any of those who took a part in framing the Reform Bill, and who still retain their opinions, to adopt any such measure as that which the hon. Member for Montrose has to-night proposed for our consideration. There is another very difficult question with which we are not called upon to deal to-night, but to which I may in passing allude. I mean the question, whether in conformity with the general principle of the Reform Act, which I believe to be a just principle, there might not be a greater number of persons possessing the suffrage than at present; whether, in fact, the working classes should not be admitted more generally to hold the suffrage; and whether, in the great towns, in the counties, and in the boroughs, there should not be another kind of franchise introduced, to enable them to vote for the representatives of such places. I stated last year my opinion in favour of such an extension. I stated various modes in which it might be done; but the hon. Gentleman who makes the present proposition, and his friends, have always protested against any extension of that kind. Ever since I started the proposition, I have seen it treated with ridicule by those who hold the opinions of the hon. Gentleman as a change which would not be at all satisfactory, and which ought to be derided, and not adopted. But the hon. Member for Manchester, who says that the working classes are entirely excluded from the elective franchise, showed, in answer to the hon. Member for Warwickshire, that this is not precisely the case, because, seeing that the possession of a forty-shilling freehold gives persons a right to vote, he stated that many of that class were now accumulating their industrial savings to buy freeholds; and he read an opinion by the late Lord Chief Justice Tindal, showing that such a project was in strict conformity with the policy of the Parliament of this country. If that is the case, then no class is excluded. When a working man has saved a sufficient sum to enable him to buy a freehold in his native county, there is no person in this House who will not say he is glad to see him enjoying the benefit of his industry and frugality. The hon. Gentleman, indeed, in arguing on this subject, said, that he thought this a perfectly fair means of acquiring the suffrage; but he did not answer the hon. Member for Warwickshire, who complained not of the practice of working men buying freeholds, but of other parties lending them the money; and thus, while putting them nominally in possession of a vote, depriving them of all free will to exercise it. Therefore, I can only say again upon this subject, not considering this as the topic of to-night, and therefore not wishing to dwell further upon it, that there is nothing in the Reform Act, and nothing in any opinion I have ever held, or in any opinion I hold now, which would debar me from seeing with satisfaction any plan by which the admission of the working classes could be still further extended, and the basis widened upon which the repre-

sentation rests. The hon. Member for Montrose, in replying to my speech of last year, said that there had not been any great reform carried except at the risk of civil war, and the danger of convulsions among the people. Now, whatever truth there may be in this statement with respect to Parliament as it stood before the Reform Act, I do not think the hon. Gentleman quoted a single instance since the Reform Act in which there was any such danger before a reform was carried. He referred to the danger of a rising among the blacks of Jamaica, but that is a question entirely unconnected with the representation in this House—this House having never represented, or being supposed to represent, the negroes of the West India Islands. Therefore the only instance he quoted since the Reform Act was singularly inapplicable to the purpose. But I cannot concur with him in the opinion that he gave, that this House has been slow to adopt reforms and changes which have been sanctioned by public opinion. Whether the changes we adopted were salutary or injurious, no one can deny that during the seventeen years we have acted under the Reform Act, there have been great changes made in a variety of subjects. Take the questions with respect to the Church. There has been a settlement of the tithe question—a great restriction and limitation placed upon pluralities—the translation of bishops almost put an end to, and the holding of livings by bishops *in commendam* entirely abolished. Next, with regard to the Dissenters. They complained they could not marry except in accordance with the rites of the Established Church—that they could not procure registration for their children except by going to a clergyman of the same establishment. That grievance has been remedied. Then take the question of trade. How many changes have been made with respect to it? In the first instance, the China trade, which was a monopoly of the East India Company, has been thrown open to merchants in general. Then take the changes in the Customs, when the right hon. Gentleman the Member for Tamworth was in office. The corn laws, which had subsisted for so long a time, entirely abolished; the law relating to the prohibition of foreign sugar entirely altered; other measures as to trade adopted, and but the other day the navigation laws, which have been boasted of from the time of Cromwell to the present day, repealed by a vote of the present House of Commons. I say, then, that whether these changes were wise or not, they do show that the House has not been slow to adopt alterations in our policy which were required by public opinion. But then the hon. Gentleman says, public opinion has gone before the House with respect to those measures. Now, I wish he would look to the election of 1841, and to those in Lancashire particularly. Let him look to several of the towns in Lancashire sending Members to vote against any alteration in the corn laws. That this should have been so, shows that up to this time public opinion was not prepared for the change which the House, in 1846, adopted. My belief is, though I do not assent to the wisdom of the course the House took in so long delaying this change, that it was not behind public opinion in the course it took on that subject. With respect to many subjects in relation to religious liberty, as to the Roman Catholics particularly, does any one believe that universal suffrage would produce less feeling of religious bitterness and animosity than existed among Members of this House? My belief is, that Members of this House are far more liberal than the community in general are disposed to be. The hon. Gentleman says the liberal and democratic elements of the country do not exist in the House, more especially in the Cabinet, and that the feeling of the aristocracy entirely governs the formation of the Ministry. With respect to this subject, though I am afraid the hon. Gentleman will think I am labouring under some strange delusion, my belief is that the people—that the humblest people, that the poorest people of this country, have no indisposition to the aristocracy. My belief is that the aristocracy is not and could not be forced upon them, but that the aristocracy having, from the time it became a free country, most happily for its liberty, and most fortunately for themselves, felt a sympathy with popular liberty — having even entertained popular prejudices when the people were prejudiced, and having stood up for popular rights when those rights were attacked—my belief is, I say, that the aristocracy of this country has a strong hold on the opinions and affections of the people. And, Sir, when we talk of the aristocracy, and of the Members of different Administrations, let it be recollected that many of the aristocracy of this day were the democracy of fifty years ago. It was said by a very clever person, whose opinions I have heard quoted in the House,

Madame de Stael, when she came to this country and studied our manners and constitution a little—

"I see now what is the difference between your aristocracy and the ancient *noblesse* of France. In that country the aristocracy was the despair of talent—in this country it is the hope of talent."

These few words very well express in my mind the difference between one of those constitutional aristocracies which never admitted new persons into its ranks, and never gained new members; and the aristocracy of England, which contains in many instances persons the sons and grandsons of those who were themselves the democracy of the country, whose fortune was of the very smallest and most insignificant, but whose talents, we find, by the credit which they obtained for the exercise of them, raised those persons to a place among the aristocracy. And are we to be told the very next day, as it were, that those persons are to be put under ban, and excluded from all share in the government of the country—that they are not to enjoy any of the social distinctions of life? What I have to find fault for with the hon. Member for Manchester, and those who agree with him, is, that they are so exceedingly narrow-minded. Get them upon the subjects with which they are particularly conversant, and I listen with great admiration to their extensive knowledge and acute ability; but when we come to discuss large questions, such as concern the fortune of our empire, then I see that they have intellect and understanding bound up in such a narrow round that it is quite impossible to get them to understand those great principles on which our ancestors founded the constitution of this country, and which we, their successors, humbly admire and endeavour to follow. The hon. Member for Montrose spoke, too, of economy, and told us that nothing could be done in this House to obtain it—that Motions for economy were refused and rejected—and that even the smallest reduction was not sanctioned by a majority. But, Sir, I think in this respect the House and the country have very much come to the opinion, if there is a strong disposition for retrenchment in the public mind, that the Government is likely to listen to that opinion, and that having listened to it they are more likely to carry such retrenchment into effect in the manner which is conducive to the efficiency of the public service, than by votes and discussions debated in the course of some half-hour upon the estimates. The fact is, that since the estimates of last year were introduced, the Navy Estimates have been reduced nearly 400,000*l.*, and there have been various other reductions. Therefore, though there have been no direct votes of the House cutting down the estimates, yet the influence of public opinion has been brought to bear upon them, and they are now made more in conformity with public opinion than, as I must confess, they were when we presented them at the beginning of last year. But if this be the case, the hon. Gentleman has no reason to complain of the want of economy which exists. The hon. Gentleman, indeed, speaks always as if we were adding to the taxation of this country, and as if the people were borne down by an additional weight of taxation which it was impossible for them to bear. He always argues in this way—we paid 50,000,000*l.* ten years ago; we pay 52,000,000*l.* now. There is, therefore, an additional taxation of 2,000,000*l.* But when he does so, he really uses a computation which is unworthy of the knowledge we know the hon. Member must possess on the subject. The real matter to be inquired into is, whether the same taxation is kept up, if there has been any addition to it, or if the taxes have been reduced. In looking to this subject I beg to refer the hon. Gentleman to a paper of the taxes imposed, and of the taxes reduced, within the last twenty years — namely, from 1829 to 1847. I find the sum total is, that while 6,000,000*l.* of taxation has been imposed, upwards of 17,000,000*l.* has been reduced, making a balance of excess of taxes repealed over taxes imposed of 11,266,000*l.* And, be it observed, in the course of these twenty years the population has been increasing, the means and property of the country have been increasing, and, therefore, with 11,000,000*l.* less of taxation, that which remains is imposed on a greater amount of population and property. There have been of late great complaints that taxes imposed on articles of consumption of the people were maintained, and it was said there should be direct taxation instead. Now, let us examine this question. I find that of the sum total of taxes taken off, 7,500,000*l.* was taken off the Excise, and 9,500,000*l.* off the Customs, while 800,000*l.* had been imposed on the Excise, and 2,000,000*l.* on the Customs, leaving a balance of 7,500,000*l.* in excess of duties

repealed in the latter, and of 6,700,000*l.* in the former in the last twenty years. So far is it from being true, therefore, that the country is burdened and weighed down by an additional amount in taxation, that this House, for the last twenty years, having been employed in the same way for twelve years before, has been employed in taking off the load of taxation, and in diminishing the burdens of the people. But let me consider the state of those taxes which are on the necessaries of life at the present period, and compare them with what they were formerly. I will take a speech delivered in this House 112 years ago. We have had since that time many wars, and more especially the last great revolutionary war, which caused this country to incur debt to an enormous extent, and, therefore, it may be supposed the taxes on the necessaries of life would be greatly increased. Here is an extract frem a speech delivered at the period I mention:—

"For my part, I do not know any one necessary of life upon which we have not some tax or another except water; and we can put no ingredient I know of into water, in order to make it palatable and cheerful, without paying a tax. We pay a tax for air, and for the light and heat of the sun in the daytime, by means of our tax upon windows; and for light and heat in the nighttime by means of our duties upon coals and candles; we pay a tax upon bread, meat, roots, and herbs of all kinds by means of our salt duty; we pay a tax upon small beer by means of the malt tax, and a heavy additional tax upon strong beer by way of excise. Nay, we cannot have any clean thing to put upon our backs, either of woollen or of linen, without paying a tax by means of the duty on soap, &c."

Now, with respect to all those taxes, it is to be observed, that the duties on coals, candles, and most of the taxes here mentioned, no longer exist. Adam Smith, writing some 20 years after, said there were four articles, necessaries of life, taxed in this country—leather, salt, candles, and soap. Of all these there is now only one which bears any tax. I think these things are worth mentioning, because we hear it continually repeated that there are great taxes on the necessaries of life, which our ancestors had not to bear, and that the people are now suffering under an additional weight of taxation. That two such great wars—the American and revolutionary wars—both of which I must confess appear to me to have been unnecessary, should have rendered necessary a great load of taxation, is what I am compelled to admit; but it is what I am sure the hon. Gentleman would not wish to alter, if the alteration required any breach of faith, or any attack on public credit. And yet let him not be sure the plan he proposes would not have a great effect on that credit. I cannot forget, when one of those great petitions, signed, I believe, by some 3,000,000 or 4,000,000, was presented by the hon. Member for Finsbury, the petitioners especially declaimed against the national debt, and asked the House to abolish it, on the ground that we were directly forced to incur and pay the interest upon it. Therefore, Sir, I don't think it so exceedingly safe, if this Motion should be carried, that many of those admitted to the suffrage would not in their ignorance think they would be benefited by the reduction of those taxes required to pay the national debt. With respect to the gist of this Motion, and as to its main purpose of admitting every male of full age to vote, I must say, frankly, that I do object to giving every person a vote for Members of the House of Commons, in the belief that they would, many of them, be easily affected by misrepresentations and delusions, and that they have not sufficient political information to enable them to make a right choice of Members. The hon. Member asks me if I do not believe in their virtue and integrity. I entirely give credit to the great body of the working classes of this country for their virtue and integrity. I believe, from time to time, you may enlarge the suffrage—that they will become more and more worthy of the franchise; but, as far as I can see and observe, I say that if you were at the present time to divide the whole country into districts, and give every man a vote, as the hon. Gentleman proposes, the people would be liable to be misled by artful and designing demagogues, and that the representation of this House, so formed, would not conduce to the welfare and good government of the people. The hon. Member asked us to imitate that which is now going on in countries abroad; and on this subject I must speak in the same spirit as that in which it was adverted to by my right hon. Friend the Secretary of State for the Home Department. I by no means wish, as the hon. Member for Montrose seems to suppose, to defend or eulogise those kings who have long withheld from their subjects constitutional liberty; on the contrary, I have said in this House that my belief was, if they began after 1815 to admit their people to the enjoyment of constitutional

liberty—if they had framed those laws with respect to the press which would have enabled their subjects to understand and discuss political matters, instead of being driven to speculative works and wild theories as their models of government, that they would have taken the wise course, and that we should not have seen the convulsions and tumults of the last and of the present years. But it is quite different to hold that opinion, and to say I am anxious to imitate the present course of things on the Continent. Nor do I think those nations mean to proceed in that advance which they were once so ready to profess. I see that with respect to the Prussian constitution of last year, for instance, universal suffrage was to be the established rule. We were left behind. Prussia had got to the top of the tree, and we were at the bottom, in darkness and ignorance. The hon. Member said we should have followed. "Don't let us be behind Prussia," said he, "there they have got universal suffrage. Don't let England follow at such a distance in her wake." But what have we seen in the present year? By the constitution which is now adopted, the electors are divided into three classes—the richest and smallest class, who pay most; another more numerous, paying smaller taxes; and a third very numerous class paying the smallest amount of taxes of all. Are they all to have an equal right of suffrage? By no means. The 500 of the first class are to choose as many representatives to the Chamber at Berlin as the third class of 5,000 persons. What is that but another way of escaping from the evils of universal suffrage? Such a system would be totally new in this country. For my own part, I would rather obtain this full representation by the old and prescriptive mode of the constitution. We have to see yet whether this scheme will succeed. While we see such a course of changes and transmutations in other countries, don't let us have the weakness, and childishness, and folly to imitate them, till they have, at least, fixed on something really good and legitimate. The hon. Gentleman wishes us to imitate the nations of the Continent. I see, in the course of these changes, almost every great capital has been, for a certain time, in a state of siege. Paris, Vienna, Berlin, and Milan, have all been in that condition. And what is the case in a state of siege? No security for liberty, the press entirely crushed, according to the will of some general commanding in the town. If any newspaper appears hostile to the ruling power, or displeasing to the general in command, he goes off with some thousand or two of men able to enforce his orders, and says, "The town is in a state of siege; this newspaper shall not appear." Now, is that a state of things we should envy or ought to imitate? Well, we enjoy some freedom of the press; we, who have each man every morning, according to his desire, the opinions he chooses duly set before him. One newspaper tells him the whole country is ruined by free trade; another tells the reader the country is ruined because we have not adopted universal suffrage. So long as each man has this luxury to read what paper he chooses; all of them agreeing that the country is ruined, in the first instance, and then having different opinions from which he may please himself as to the cause of that ruin, and to have his newspaper presented to him at breakfast table: don't let us have this state of siege, of which we have heard so much; and don't let us have some general at the Horse Guards depriving every man of his newspaper. I would not have any imitation of those nations on the Continent which are at present undergoing those transformations. I trust that a rational and temperate liberty may be the result of all their struggles. I am sorry to see their efforts beset by so many difficulties, and accompanied by so much bloodshed. But, so far as I see, there are but three great countries which appear to stand, each according to its constitution, in a firm and unmoved position — the one, where there is a complete democracy, namely, the United States, where none of the people wish to change their constitution — where it is evidently suited to them: another in the opposite pole, the empire of Russia, where the law is fixed by the sole will of the monarch, but where order is preserved, and general security for life and property afforded, under the strict means adopted by the supreme authority: the third is the constitutional monarchy of Great Britain; and, so far as I can see, the people of this country are as much attached to the constitutional monarchy as the people of any country have ever been attached to the constitution of their own State. My belief is, that it is the form of government suited to this people. My belief is, that not a balance of forces, but a combination of powers brought about by monarchy, aristocracy, and democracy acting together, produces

as much of liberty and happiness—as great a development of talent—as great encouragement in the practice of religious and moral duties, as any constitution the world ever exhibited has produced. My belief is, that if you adopted the scheme of the hon. Member for Montrose, as it is explained by the hon. Member for Manchester, you would risk all these blessings. I do not think that you, the House of Commons, chosen by universal suffrage in equal, or nearly equal, districts, would long have peace in this House; and if you had peace in this House, by an overwhelming majority carrying measures of a democratic nature, you could not keep harmony with the other two powers of the State. In framing and proposing the Reform Bill, as I stated at the commencement, what we wished was to adapt the representation of this House to the other powers of the State, and keep it in harmony with the constitution. That object, I think, after seventeen years' trial, we have attained. We have obtained a gradual progress of measures of reform without convulsion, without fear, or risk of bloodshed. If you go on in the same course, other measures will be adopted by Parliament — other measures which, being in harmony with the opinions of the people, will pass into law in a constitutional manner, and without interruption to that constitution. I pray you, therefore, in the name of that constitution, not to adopt the measure now before the House, but to give it a decided negative. I believe you will be consulting the interests, and I am firmly convinced you will also be consulting the wishes and opinions, of the people.

MR. B. OSBORNE said, he did not think it could have escaped the observation of hon. Gentlemen on his side of the House, and he was certain it would not escape the observation of the people of this great country, that the opposition to this Motion arose not—with a single exception—that it proceeded not from the hereditary enemies of all reform—but that it proceeded from hon. Gentlemen on their own side of the House, and from Gentlemen who had seats on the Ministerial and Treasury benches. He thought it was a most extraordinary thing that the opposition to the measure proceeded from men who had climbed into power on the shoulders of the hon. Member for Montrose, and other hon. Members, who were characterised as men of narrow and confined minds. He thought that it was a most remarkable fact, that the noble Lord, having made his own use of them, was now prepared to throw them over—to violate all the pledges he had given during his period of opposition. Perhaps the most remarkable speech of the evening was that of the hon. Gentleman who, from his vicinity to the red box, seemed to be qualified for the Treasury bench—he meant the hon. Member for Cambridge. That speech, however, was not the speech of a statesman, but the speech of a special constable; for the whole of its argument consisted in allusions to the glorious 10th of April, which he had thought, like the other cry of the great and glorious revolution, had been so often used that it was now used up. He had adduced Aristotle as a conservative; but the hon. and classical Member seemed to have forgotten that Aristotle was persecuted by the conservatives of his day, and was forced to leave Athens in consequence of the intrigues put in force against the sect of the Peripatetics, of which he was the head. In fact, from the variety of the topics embraced, the speech was more fitted for a debate on the miscellaneous estimates than for the present Motion. He would now leave that speech, which he hoped would go forth to the country as the sort of opposition which the Motion had to encounter. He next came to the speech of the right hon. Gentleman the Secretary of State for the Home Department; and he must say that, since the days of Julian the Apostate, there was no conversion equal to his in history. What did the right hon. Gentleman say with reference to the ballot? True, he said, in 1842, I voted for the ballot, but I was suddenly converted the other night by a speech made by the hon. Member for Oldham. The argument is unanswerable to me, and, therefore, I am against the ballot. This was exactly the case of Julian, who first pretended to be a convert, till he had attained supreme power, the treasury bench of his desires, and he then became a persecutor. The last speech which they had just heard was indeed a melancholy exhibition. The hon. and gallant Member for Bradford had been taunted with stating that the aristocracy were those whom heaven and nature had designed to lead the people in the cause of reform; but he believed the hon. and gallant Member for Bradford would not say that the Members of the Cabinet were men of whom it would be said that either heaven or nature de-

signed them for leaders. The noble Lord appealed to the conservative fears of the old women of the country. Not content with referring to the revolutions on the Continent, he hinted that the national debt was also to be attacked, though he was as sure that his hon. Friend the Member for Montrose was as inimical to meddling with the national debt as the noble Lord himself, and, therefore, that objection fell to the ground. The noble Lord, in his *Essay on the English Constitution*, had not always held the same opinion about the inviolability of the national debt that he did now. Then the noble Lord turned round to the hon. Member for Manchester, and told him that he was narrow-minded, because he had ventured to criticise the composition of the noble Lord's Cabinet. Why, it was notorious from history that the Whigs were always more aristocratic than their Tory opponents—that they were always greater enemies to liberty at heart. Then he told the House that many members of the aristocracy of the present day had lately sprung from the people. That was true, but then, in the language of Swift, they

> "Forget the dunghills where they grew,
> And think themselves the Lord knows who."

The noble Lord summed up his speech by reminding them that half the nations of the Continent were in a state of siege, and that the people could not enjoy their newspapers. But, was the noble Lord so satisfied with the results of his own Government that he could point to Ireland, and say that Ireland was not in a state of siege. The noble Lord had not only suspended the Habeas Corpus Act, but he had renewed the Alien Act—he kept more soldiers in Ireland than there were voters —he had instituted four prosecutions against one newspaper, though his Attorney General could not get a verdict on any of them. The noble Lord complained that the plans of the hon. Member for Montrose were vague. He would ask him what were his own? They were not only vague in themselves, but he receded from them—he shrunk from committing himself when pressed; and, therefore, they despaired of obtaining a plan from the noble Lord. If he were to presume to offer a piece of advice to these men of narrow minds, the traders of the country who had had this taunt thrown upon them by the Prime Minister of the country, he would say to them, let the country see you are in earnest; separate yourselves at once from a party which has all along been the real incubus on the energies of the country, and take up that position in the House which your merits and your abilities demand. If you do so, you will be supported by the feelings of the country; and while the noble Lord is left to declaim on the merits of the constitution to empty benches, you will be carried into power on the shoulders of the people.

Mr. W. P. WOOD said, he was glad that the Government considered this as a question worthy of discussion, for it excited considerable interest among a large portion of the people. He was glad the Government had respectfully treated the opinions of several millions of the population, whose existence, whether they petitioned the House or not, could not well be ignored; and had thought proper to discuss this important question calmly, temperately, and ably. It was very remarkable that nobody who had yet addressed the House in opposition to the Motion, had attempted to grapple with any one of its propositions. The artifice had been to represent this Motion as being identical with the Motion of the hon. Member for Nottingham; and the noble Lord at the head of the Government and the Secretary of State for the Home Department had severally assumed that every point of the hon. Member for Montrose's Motion was merely a point of the "People's Charter." Now, as he understood the two Motions, they were diametrically opposed to each other, and the very principles on which he would vote for the hon. Member for Montrose's Motion, would induce him to give his most decided opposition to the proposition of the hon. Member for Nottingham. The noble Lord had also attempted to distort the opinions of the hon. Member for Manchester, so as to have made them appear the same as those of the hon. Member for Nottingham; and had represented the hon. Member for Manchester as saying that he had no respect for the constitution of this country. Now what the hon. Member really did say, although he might have chosen better phraseology, was this—that he admired the constitution as composed of the Sovereign, the Peers, and the common people; but if they called that the constitution which enabled them to effect reforms only by violent jerks, threatening the destruc- of the whole machine, then he did not think very much of it. So that the two statements were entirely different; and the same language as the hon. Member for

Manchester had used, was employed by Fox in supporting the Triennial Bill, in 1782. Mr. Fox used this expression—

"It was the fatality of this country that it would never move towards reformation until it was brought to the very brink of destruction, and feared that every man would take up a musket."

This was an allusion to the attitude assumed by the Irish Volunteers, and it gave a very faithful view of what appeared from the past history of this country. It was not fair to tell them that there were no petitions in favour of this Motion, and therefore the people were indifferent about it; and then, when the petitions were abundant, to say that they were the result of excitement, and, being got up by a forced process, it would not do to yield to agitation. He (Mr. Wood) never had approved of itinerant agitation—he thought it was a departure from a man's legitimate sphere, and an attempt to instruct other districts, which persons in their own neighbourhood perhaps were competent to instruct. But he must say that if he did not approve of such agitation, the conduct that the Government itself had pursued in this country had not been wanting in a tendency to convert him to such principles. He had refused to join the political unions at the time of the Reform Bill movement; but that measure had been carried as the result of the efforts of these associations. The Catholic Emancipation Bill, too, had been passed, as the Government had admitted, because there would have been a civil war if it had been resisted. The Government itself had been the encourager of agitation, and was to blame for not having put something like a stop to the political unions that threatened to involve the country in a civil war. And were the people now to be told that, as they were reasonable and quiet, they should have nothing; and when there was agitation, that they were excited, and must not have anything either? In a time of peace and quiet at home, and when they had had recent demonstrations of the fidelity and loyalty of the great mass of the people, but when nevertheless they saw lowering clouds abroad, and did not know when they might burst; while, too, they had large quantities of inflammable matter in the country, notwithstanding the general loyalty of the people, and knew not when a spark might kindle the combustibles—at such a period like the present, he said that they ought to be "wise in time," and not to wait for agitation, but to look about them, and have all their reforms carried out and completed under peace and tranquillity. The noble Lord had admitted that some reform was necessary, and that there ought to be some extension of the suffrage. He had said he was prepared to produce a measure—why, then, did he not produce it now, for he could never select a better time? What had secured tranquillity on the 10th of April, that had been so much alluded to? If the Reform Bill had not been passed, was it likely there would have been no disturbance; and had not the adoption of corn-law repeal been mainly conducive to the preservation of public tranquillity? And if so, was there still no danger? Had we nothing left to fear now? What took place last year? It was quite true that order triumphed; but were there not some who, although on the side of order themselves, had yet sympathised with the turbulent? It was a well-known fact that many hundreds of workmen, friends of order, in that immediate neighbourhood, told their masters they would protect their property, but would not consent to be sworn in as special constables, to act against their own class; and considerable anxiety was excited in the neighbourhood on the Saturday preceding the Monday when the disturbances were apprehended, on account of the course taken by these workmen. He (Mr. Wood) had taken these things seriously to heart, and they had strongly influenced his mind. He wished not to vote in support of, but against, the views of the hon. Member for Nottingham, and was anxious to diminish that hon. Member's influence over the people; and how was that to be done? Why, naturally, by admitting them within the pale of the constitution; by saying to them, "Do not assemble to thwart and obstruct Parliament, but to elect Members. Assemble legitimately, not to overawe Parliament, and show your contempt of the Government, but meet as a constituent portion of the great constituent body of the empire, to elect your representatives, and assist us in the maintenance of order, and for—because I admit there can be no real order without it—the assertion of your just rights." He maintained that the Motion before the House was in accordance with the constitution, whereas the Charter was diametrically opposed to the constitution. What were they to understand by the constitution? An institution that had the power of expansion inherent within it—that had the means of extending itself attached to its own nature, without requiring the aid of any foreign or adventitious

auxiliaries. And the main reason why the events abroad that had been alluded to had occurred was, because those countries had attempted to imitate the institutions of this country, by engrafting them upon a system destitute of those foundations which existed in this country in its old established modes of self-government, its municipal institutions, and all that had made this country what it is. The nations of the Continent, not possessing these, had committed many mistakes. It had astonished him to hear the noble Lord object that this Motion was not constitutional, and say at the same time that the Reform Bill was constitutional, when in point of fact this Motion had the advantage of the Reform Bill in its accordance with the constitution. The Reform Bill had introduced a totally new principle—the 10*l.* franchise, which was wholly unknown before. It was a mere arbitrary selection, and as such had signally failed. But as he understood the principle of household suffrage proposed by this Motion, it was the old Saxon principle of scot and lot, under which every man in a parish bearing his scot and paying his lot, became an integral part of the community. And thus it was that the old parish arrangement might be regarded as the unit of our whole political system. It had been objected that the Motion was vague and indefinite; but it was clear that it laid down the broad basis of a rating qualification. And it then proceeded to provide that every lodger should be rated for the portion of the house which he occupied, and at the end of twelve months should be entitled to the franchise, if he remained in occupation. Now, there was nothing outrageous in that proposition. In fact, the principle was already in operation; for it had been decided by the Judges, that if the landlord did not sleep in the House, then the lodgers became entitled to the franchise. He would ask them to look to their English constitution alone, and not to be frightened by what took place elsewhere. He considered all that had been said on the subject of foreign revolutions mere oratorical display. The right hon. Baronet the Home Secretary and the noble Lord had both availed themselves of that feeling; but it was a feeling that was common to both sides of the House. They all regretted alike what was taking place on the Continent; and it was only a diversion from the real subject in debate, to bring forward such matters at all. The question to be decided was, would the course proposed by the hon. Member for Montrose better secure the blessings of the constitution, about which they were all agreed, than remaining as they were? The working classes had already, he was afraid, lost confidence in that House. The very fact relied upon as an argument against the Motion, that no petitions had been presented in its favour, was, he thought, one of the most formidable symptoms that they had to deal with. It showed that the people took no interest in that House, and was a sign that they were more likely to be led away by sinister influences. The people of this country were already trained for this privilege. They had the beginning of it in their vestries and in their municipalities, in being constantly called upon to serve on juries, and in other remnants of their old Saxon institutions; and he would remind the House that there was not the slightest ground for supposing that if they — he would not say conceded, for he did not like the term—but if they allowed the constitution to expand, so as to bring in the larger portion of the community within its pale, there was not the slightest ground for dreading in this country a recurrence of the proceedings that had taken place on the Continent. It had been truly stated by the noble Lord, that the Reform Bill had been intended to diminish the number of small boroughs, and also to extend the suffrage to a certain extent, and to diminish the abuses at elections. But after this admission, it was rather remarkable that the noble Lord should travel over the old ground again in referring to the case of Stamford, and make use of the argument of virtual representation, the very argument in favour of continuing the present system of election in that borough, that had been over and over again made use of on behalf of all the old rotten boroughs. What the people of England wanted was that the whole system of nomination boroughs should be utterly destroyed, and a true system of representation adopted. The hon. Member for Montrose proposed that different small constituencies should be united, as was done in the case of the Welch and Scotch boroughs; but this proposition was most unfairly confounded with the system of electoral districts advocated by the hon. Member for Nottingham, which was of a totally different character, and involved a principle that was entirely new to the constitution. On these grounds he felt that he could give

his entire support to the Motion of the hon. Member for Montrose. He had been told that in doing so he was joining with those who wished to overturn the constitution; but he could not forget that in times past the same allegation had been used to members of his family, who afterwards saw all the reforms that they advocated carried into law. He did not "bate one jot of heart or hope," with regard to this Motion, for whatever might be done now, he was satisfied that these or some similar measures of reform would hereafter be carried.

MR. HUME said, he would not, at that late hour, refer to the arguments that had been used against his Motion, as they had been already ably answered, and he would freely leave the question upon its merits to the decision of the House.

Question put. The House divided:—Ayes 82; Noes 268: Majority 186.

List of the AYES.

Adair, H. E.
Adair, R. A. S.
Aglionby, H. A.
Alcock, T.
Anderson, A.
Armstrong, R. B.
Bass, M. T.
Berkeley, C. L. G.
Bouverie, hon. E. P.
Bright, J.
Brotherton, J.
Callaghan, D.
Clay, J.
Clay, Sir W.
Cobden, R.
Cockburn, A. J. E.
Collins, W.
Currie, R.
Dashwood, G. H.
Devereux, J. T.
D'Eyncourt, rt.hon.C.T.
Duke, Sir J.
Duncan, G.
Ellis, J.
Evans, Sir De L.
Ewart, W.
Fagan, W.
Fox, W. J.
Freestun, Col.
Gibson, rt. hon. T. M.
Granger, T. C.
Greene, J.
Hardcastle, J. A.
Harris, R.
Headlam, T. E.
Henry, A.
Heyworth, L.
Hodges, T. L.
Humphery, Ald.
Jackson, W.
Keogh, W.
Kershaw, J.
King, hon. P. J. L.
Lushington, C.
M'Gregor, J.
Marshall, W.
Martin, S.
Milner, W. M. E.
Moffatt, G.
Molesworth, Sir W.
Mowatt, F.
Muntz, G. F.
O'Connell, J.
O'Connell, M.
O'Connell, M. J.
O'Connor, F.
Osborne, R.
Pearson, C.
Pechell, Capt.
Pilkington, J.
Reynolds, J.
Salwey, Col.
Scholefield, W.
Smith, J. B.
Smyth, hon. G.
Somers, J. P.
Strickland, Sir G.
Stuart, Lord D.
Tancred, H. W.
Thompson, Col.
Thompson, G.
Thornely, T.
Trelawny, J. S.
Villiers, hon. C.
Walmsley, Sir J.
Wawn, J. T.
Westhead, J. P.
Willcox, B. M.
Williams, J.
Willyams, H.
Wilson, M.
Wood, W. P.

TELLERS.
Hume, J.
Berkeley, H.

List of the NOES.

Adare, Visct.
Anstey, T. C.
Archdall, Capt. M.
Arkwright, G.
Arundel and Surrey, Earl of
Bailey, J.
Bailey, J. jun.
Baines, M. T.
Baldock, E. H.
Baring, rt. hon. Sir F. T.
Baring, T.
Barrington, Visct.
Bellew, R. M.
Benett, J.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Berkeley, hon. Capt.
Birch, Sir T. B.
Blackall, S. W.
Blair, S.
Blakemore, R.
Blandford, Marq. of
Boyle, hon. Col.
Bramston, T. W.
Bremridge, R.
Broadley, H.
Bromley, R.
Brooke, Lord
Brooke, Sir A. B.
Bruce, C. L. C.
Buller, Sir J. Y.
Bunbury, E. H.
Burke, Sir T. J.
Burrell, Sir C. M.
Burroughes, H. N.
Busfeild, W.
Buxton, Sir E. N.
Campbell, hon. W. F.
Cardwell, E.
Castlereagh, Visct.
Cavendish, hon. C. C.
Cavendish, hon. G. H.
Cayley, E. S.
Chaplin, W. J.
Charteris, hon. F.
Chichester, Lord J. L.
Childers, J. W.
Christy, S.
Clements, hon. C. S.
Clerk, rt. hon. Sir G.
Clive, hon. R. B.
Clive, H. B.
Cobbold, J. C.
Cocks, T. S.
Codrington, Sir W.
Coles, H. B.
Compton, H. C.
Conolly, T.
Corbally, M. E.
Cowper, hon. W. F.
Craig, W. G.
Crowder, R. B.
Cubitt, W.
Currie, H.
Dalrymple, Capt.
Davies, D. A. S.
Dawson, hon. T. V.
Deedes, W.
Denison, E.
Denison, J. E.
Dick, Q.
Disraeli, B.
Dod, J. W.
Douglas, Sir C. E.
Drumlanrig, Visct.
Duff, G. S.
Duff, J.
Dundas, Adm.
Dundas, G.
Dunne, F. P.
Du Pre, C. G.
East, Sir J. B.
Ebrington, Visct.
Edwards, H.
Egerton, W. T.
Estcourt, J. B. B.
Evans, W.
Farnham, E. B.
Farrer, J.
Fergus, J.
Ferguson, Sir R. A.
Filmer, Sir E.
FitzPatrick, rt. hn. J. W.
Floyer, J.
Fordyce, A. D.
French, F.
Frewen, C. H.
Galway, Visct.
Gaskell, J. M.
Gladstone, rt. hon. W. E.
Gordon, Adm.
Goulburn, rt. hon. H.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Granby, Marq. of
Greenall, G.
Grey, rt. hon. Sir G.
Grey, R. W.
Grogan, E.
Grosvenor, Lord R.
Guest, Sir J.
Hale, R. B.
Halford, Sir H.
Hallyburton, Lord J. F.
Hamilton, G. A.
Harcourt, G. G.
Harris, hon. Capt.
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Heald, J.
Heathcote, G. J.
Heneage, G. H. W.
Heneage, E.
Henley, J. W.
Herbert, rt. hon. S.
Hervey, Lord A.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hobhouse, rt. hon. Sir J.
Hood, Sir A.
Hope, A.
Hornby, J.
Hotham, Lord
Howard, Lord E.
Howard, hon. C. W. G.
Howard, Sir R.
Inglis, Sir R. H.
Jermyn, Earl

Jervis, Sir J.	Powlett, Lord W.
Johnstone, Sir J.	Price, Sir R.
Jones, Capt.	Pugh, D.
Keppel, hon. G. T.	Reid, Col.
Kerrison, Sir E.	Repton, G. W. J.
Knox, Col.	Rice, E. R.
Labouchere, rt. hon. H.	Rich, H.
Lacy, H. C.	Richards, R.
Langston, J. H.	Robartes, T. J. A.
Law, hon. C. E.	Romilly, Sir J.
Legh, G. C.	Rushout, Capt.
Lewis, rt. hon. Sir T. F.	Russell, Lord J.
Lewis, G. C.	Russell, hon. E. S.
Lewisham, Visct.	Rutherfurd, A.
Lincoln, Earl of	Sandars, G.
Littleton, hon. E. R.	Sandars, J.
Loch, J.	Seymour, Sir H.
Lockhart, A. E.	Seymour, Lord
Lockhart, W.	Sheil, rt. hon. R. L.
Long, W.	Simeon, J.
Lopes, Sir R.	Slaney, R. A.
Lowther, hon. Col.	Smith, rt. hon. R. V.
Lygon, hon. Gen.	Smith, J. A.
Macnaghten, Sir E.	Smith, M. T.
Magan, W. H.	Smyth, J. G.
Mahon, Visct.	Somerville, rt. hon. Sir W.
Maitland, T.	Spooner, R.
Manners, Lord C. S.	Stanley, E.
Masterman, J.	Stanley, hon. E. H.
Matheson, J.	Stansfield, W. R. C.
Matheson, Col.	Stanton, W. H.
Maule, rt. hon. F.	Stuart, Lord J.
Maxwell, hon. J. P.	Stuart, J.
Melgund, Visct.	Sutton, J. H. M.
Meux, Sir H.	Talbot, C. R. M.
Miles, P. W. S.	Talfourd, Serj.
Miles, W.	Taylor, T. E.
Monsell, W.	Thesiger, Sir F.
Moody, C. A.	Thompson, Ald.
Morgan, O.	Tollemache, hon. F. J.
Morison, Sir W.	Tollemache, J.
Mostyn, hon. E. M. L.	Towneley, J.
Mulgrave, Earl of	Townley, R. G.
Mullings, J. R.	Turner, G. J.
Mundy, W.	Vane, Lord H.
Mure, Col.	Verner, Sir W.
Napier, J.	Verney, Sir H.
Neeld, J.	Vesey, hon. T.
Newdegate, C. N.	Villiers, Visct.
Nicholl, rt. hon. J.	Villiers, hon. F. W. C.
Ogle, S. C. H.	Vyse, R. H. R. H.
Oswald, A.	Waddington, H. S.
Owen, Sir J.	Walpole, H. S.
Paget, Lord A.	Walsh, Sir J. B.
Paget, Lord C.	Welby, G. E.
Pakington, Sir J.	Wellesley, Lord C.
Palmerston, Visct.	Williams, T. P.
Parker, J.	Williamson, Sir H.
Patten, J. W.	Wilson, J.
Peel, rt. hon. Sir R.	Wood, rt. hon. Sir C.
Peel, F.	Wortley, rt. hon. J. S.
Pennant, hon. Col.	Wrightson, W. B.
Plowden, W. H. C.	TELLERS.
Plumptre, J. P.	Tufnell, H.
Portal, M.	Hill, Lord M.

The House adjourned at a quarter before One o'clock.

HOUSE OF COMMONS,

Wednesday, June 6, 1849.

MINUTES.] PUBLIC BILLS.—1° Chapels of Ease.

2° Bankrupt and Insolvent Members; Copyholds Enfranchisement; Highways (Annual Returns); Smoke Prohibition.

Reported.—Bribery at Elections; Attorneys and Solicitors (Ireland); Sheep Stealers (Ireland); Silver Coinage.

3° Affirmation.

PETITIONS PRESENTED. By Mr. Thornely, from Bilston, Staffordshire, for Repeal of the Duty on Attorneys' Certificates.—By Sir E. Filmer, from a Number of Places in Kent, for Agricultural Relief.—By Mr. Monsell, from the Guardians of the Limerick Union, for an Alteration of the Law respecting Grand Jury Cess (Ireland).—By Mr. Aglionby, from the Medical Officers of several Unions, for Redress of Grievances affecting Poor Law Medical Officers.—By Mr. Newdegate, from the Huntingdon Union, for a Superannuation Fund for Poor Law Officers.—By Mr. Gregson, from Falmouth, for the Suppression of Seduction and Prostitution.—By Mr. Fitzroy, from Lewes, for an Alteration of the Small Debts Act.

BANKRUPT AND INSOLVENT MEMBERS BILL.

Order for the Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a second time."

MR. MOFFATT, in moving the Second Reading of this Bill, thought it the most judicious course to state, explicitly, that the measure now introduced was, in all its main principles, much the same as that which the House had fully discussed on a previous occasion. The principal alteration was, that it was proposed to place insolvents and bankrupts upon the same footing, and thereby to get rid of a very invidious distinction which existed between Members insolvent who were traders, and Members insolvent who were not traders. The opposition raised to the Bill in its previous form, and in nearly its final stage, had been raised solely upon constitutional grounds. The hon. Baronet the Member for the Tower Hamlets, for instance, was clearly of opinion that the Members of that House should be as amenable to the law for the payment of their just debts as any other men. The only difference which existed, was as to the mode in which the object they had in view in common should be carried out. He thought it quite impossible that a Member of Parliament, if annoyed by his tailor or his washerwoman, could pay that attention to his legislative duties which he otherwise would, or that he could expect to maintain that respect to which his position entitled him. It was said that tradesmen were very often induced to give credit to Members of Parliament because of the respectable position the latter held; but that was no reason why any obstacle should be thrown in the way of the recovery of just and lawful debts. One objection to the former Bill was, that it precluded an insolvent Mem-

ber from re-election; but, according to the present measure, it was provided, that an hon. Gentleman was eligible for re-election provided he obtained his discharge from the Insolvent Debtors' Court. He would briefly explain to the House the process by which, under this Bill, creditors would have an equal chance of recovering debts due from Members as from persons who had not privilege of Parliament. Thus if any Member found judgment debts against him which he was unable to satisfy, he would have the opportunity of filing a schedule of all his debts in the Insolvent Debtors' Court, and claiming the protection of that court; the process of rendering his person and filing the schedule could always be done in twenty-one days; upon which an immediate hearing of the case is ordered by the Commissioner, and his discharge granted, unless fraud is proved against him, or very strong circumstances of suspicion, as to withholding or fraudulent concealment of a portion of his property. Thus, in the course of about four weeks, any Member who may have, by his own imprudence, or the dishonesty of others, been thrown into pecuniary difficulties, would be at once cleared of them, and the House be spared the discreditable imputation of being a refuge for dishonest insolvents, or, what was still worse, of harbouring within its walls Members who, destitute even of the means of daily support, were peculiarly obnoxious to those pecuniary temptations which their position commanded, and their urgent necessities required. Consequently, it would be seen that, under the provisions of this Bill, the rights of constituents were carefully preserved, excepting in the case of a Member proving a knave and swindler: in such cases, undoubtedly, the Insolvent Debtors' Court would withhold its discharge, and the Member be incompetent for present re-election; but he had yet to learn that constituencies were fond of being represented by rogues, and least of all by pecuniary rogues. He regretted, therefore, that his hon. Friend the Member for the Tower Hamlets, instead of giving notice of his intention to move that the Bill be read a second time that day six months, had not rather given notice of some amendment by which the object they professed to have in common might be better carried out. It had been asked by some, "Why do you interfere at all; the existing system does no great harm?" He (Mr. Moffatt) thought, on the contrary, that it did a great deal of harm. It involved a very doubtful principle of morality, and was calculated to lower the character of the House in the estimation of the country. He could not help expressing his surprise that he should have encountered any opposition in attempting to carry out such a desirable measure, and he considered that his motives had been very much misrepresented. The case was simply this—a remedy was proposed by which fraudulent insolvents would no longer be able to make the House their sanctuary; the remedy was only applicable in the case of proved or judgment debts; and it was now for the House to decide whether so worthless and rotten a privilege should be retained or abandoned.

The Motion for the second reading having been seconded,

SIR W. CLAY moved, as an Amendment, that the Bill be read a second time that day six months. He gave the hon. Proposer full credit for the motives which had induced him to introduce the measure, but in his (Sir W. Clay's) opinion, it was objectionable alike in principle and details, and he felt it to be his duty to offer to its further progress a determined opposition. Since he had originally interfered to delay the passing of the Bill (and his first interference was in a great measure accidental), he had conversed with many hon. Friends to whose opinions he attached great weight, and the result of such and of his own reflection was, that the measure deserved fuller consideration than had yet been bestowed on it by the House. The objects of it were, that if any hon. Member should be indebted by the judgment of any court of record in any sum not secured by a lien on real property, his creditor might apply to the court to fix a peremptory time for the payment of the debt; the court might then fix a day for its payment, not less than 21 days distant; and if payment were not made in conformity with the order, the creditor might apply to the Insolvent Debtors' Court in England or Ireland, as the case might be, and serve on his debtor a copy of the affidavit and notice to pay; and the Insolvent Debtors' Court must order payment to be made in six months; and then if payment were not made, a certificate to that effect was to be transmitted to the Speaker, and the Member's seat would immediately become void. The adjudication would bring into operation all the stringent powers of the Insolvent

Debtors' Court; and the unseated Member would be ineligible for re-election until he was purged by that court. He (Sir W. Clay) did not recollect any measure which had been ever introduced to the House of a more objectionable nature than the present. He was not opposed to giving increased facilities for the recovery of debts from hon. Members of that House; and if this measure had merely contemplated the giving of such facilities, by means less objectionable than those now proposed, not only would he not oppose it, but any provisions of the kind would receive his cordial consent. He should support any measure which enacted that after certain conditions of application to a Member for payment of a debt had been made, the powers of the Insolvent Debtors' Court should be called into operation, so far as regarded an entire cession of property; but he would not consent to the sacrifice of the seat of a Member. It appeared to him that, by excluding Members who did not pay their debts, Parliament would be stepping out of its legitimate sphere, would be meddling with matters which did not belong to them, and would be infringing one of the most important and valuable privileges of the people—viz., the privilege of having an unrestricted choice of persons whom they considered most fit to represent them. The Bill proceeded upon the assumed ground that such exclusion was "necessary for the preservation of the dignity and independence of Parliament," But he contended that in attempting to enforce such exclusion, they were doing what they had no right to do, and which, even if they had the right, it would be highly inexpedient to do, inasmuch as they could not do it efficiently. He confessed he had no high idea of the "independence" which was secured by Act of Parliament. He believed that independence depended far less upon external circumstances than upon innate qualities of mind and heart. There were many other circumstances which affected the morality of the House much more than the payment of debts. Some hon. Members might desire to get appointments for their friends — they might look for office for themselves; in either case the preferment might be the reward of a legitimate ambition, or the base hire for dishonesty and corruption. But how was the House to judge? The Bill had this great defect—it punished alike the innocent and the guilty. The House could not decide whether any man contracted debts honestly or dishonestly; they could not judge of his moral guilt, and, therefore, they could not say it was contrary to the dignity of the House that one of its Members should be unable to meet a pecuniary demand. But supposing they could do so, was it for them to say what amount of moral delinquency ought to incapacitate a man for sitting in that House? He had thought the discussion on Wilkes's case had settled that question long ago. But the details of the measure were still more objectionable, if possible, than its principle. It subjected the privileges of the House of Commons more to the discretion of courts of law than any measure he ever knew. It would be in the power of the original court to decide when the period of payment should commence; and, therefore, that court could determine when a man should cease to be a Member of that House. In the same same way the Insolvent Debtors' Court could influence the fate of Members, and decide when they should be capable of being re-elected. There was another grave objection in the enormous power the Bill would give over Members of the House. It would be in the power of any wealthy individual or corporation interested in a Bill which they had reason to believe would be opposed by some active and energetic Member, but who was under some pecuniary pressure, to buy up a debt owing by such person, and having taken the preliminary legal steps, to have his seat in their power. For his part, he did not wish to extend mammon worship in this country—to give one additional pang of humiliation to honest poverty—or to extend the power of mere wealth. A similar measure had been opposed by the noble Lord the Member for the city of London, and Lord Althorp in 1832: that Bill, after passing through several stages, was lost; and he trusted the present Bill would meet with the like fate.

Amendment proposed, to leave out the word "now," and at the end of the Question, to add the words "upon this day three months."

Question put, "That the word 'now' stand part of the Question."

MR. MACKINNON: Sir, this is a question of considerable importance in its principle, and, feeling that importance, I will take the liberty of saying a few words on the reasons that will guide my vote on the occasion. If any one looks over the

Parliamentary history of this country, he will find that the privileges, in certain cases, of the Members of this House are of considerable antiquity—nearly as old as the assemblage of the Commons of England. In those early days, these privileges were of much importance, as this House, at that period, required all the props it could obtain, to withstand the powerful influence both of the Crown, under the Tudors and Stuarts, and also of the great barons by whom the other House was composed. I say, in every point of view, those privileges of the Commons were then of the utmost moment to keep up the tottering influence of this House against the preponderant influence of the other branches of the Legislature. But how much the relative position of the three branches of the Legislature has altered since these days that are gone! This House is now, perhaps, more powerful than it ought to be, when compared with the other branches of the Legislature, and stands not in need of most of those privileges by which it was formerly surrounded. It is a maxim of law, *Cessante ratione, cessat et ipsa lex.* Now, let us for a moment see how these privileges have gradually diminished, and are now gradually decreasing. I will add, and it is worthy of remark, that while the influence of the House of Commons has for the last century and a half been constantly increasing, what are styled the privileges of the House and its Members, have been decreasing in nearly equal proportion. Now, for instance, it is little more than a century that it was a great indignity to report what was said in this House. On the 13th April, 1738, the House resolved, "it was a notorious breach of the privilege of this House for any printer or publisher to give any account of the debates or other proceedings of this House." In 1771, the debates began to be published, and a contest arose between the publisher and the House, which occupied the House for three weeks, to the exclusion of all other business. Here again the House gave way. Again, in the case of Mr. Alex. Murray, in 1751, as mentioned by Horace Walpole, who refused to kneel at the bar, a long debate ensued, and all sorts of punishments proposed in the House, for the man who refused to kneel. On 18th March, 1772, a standing order—a very appropriate order—was made, that all persons brought to the bar should be reprimanded standing. Now, Sir, can any one admit that such a privilege as that of non-payment of debts should remain in the nineteenth century in this House? Dr. Paley has truly observed that all privileges given to any class, must be given for the good of the community, otherwise they inflict injury on the public. Now, what possible benefit to the country can it be to have insolvent Members in this House? The hon. Gentleman the Member for the University of Cambridge said, the other night, speaking on the subject, that both Pitt and Fox were in debt, and could not have been in Parliament, had a Bill like the present existed. This seems a wrong conclusion from the premises. These great men were in debt, and, in the event of this Bill being the law of the land, their party or their friends would have come forward and paid their debts. Now, to the case of individual Members of this House as relates to themselves, if there are any such, which I much doubt—what possible benefit can any one do himself by remaining in this House, if unable or unwilling to pay his debts? Had he not better give up his tinkering at legislation, and turn his attention to his own affairs? If he cannot manage his own affairs, is he likely to arrange those of the nation? As regards this House, is it not desirable that every individual Member of which it is composed, should be deemed in in a condition to pay his debts? It cannot for a moment be imagined that this privilege will continue; it cannot possibly continue ten years; we may, therefore, as well have the credit of giving up the privilege at once. Considering therefore, Sir, that this privilege is injurious to the respectability of this House; that it answers no purpose; that it prevents individuals from attending to their private affairs, and that it cannot long continue—I shall give my vote in favour of this Bill. The noble Lord at the head of the Government said, some time since, when this Bill was first agitated, that he would give his support to the measure, if the details could be satisfactorily adjusted. Now, can any doubt be entertained that these details in Committee can be arranged, with such a host of learned Gentlemen of high standing in their profession, Members of this House? Without detaining longer the attention of the House, I will only add, that by passing this Bill, which you must do within some years at farthest, you will not obtain the credit with the people of giving up an useless privilege, and yielding to the strong sentiment of public opinion.

MR. BERNAL wished to point out that the distinction which some hon. Gentlemen wished to draw between the principle of this Bill and its details was far from being a practical or sound distinction. The principle of this measure was made up of the details, and the details involved the principle in every line of them. The question was not whether it was better that reprimands should be given at the bar sitting or standing; but whether they would lay it down that the length of an hon. Member's purse should constitute the standard by which to measure public morality and private purity. He was afraid those who thought so were too much disposed to measure respectability by the length of a man's purse, and that they and his hon. Friend the Member for Lymington were too ready to adopt the *argumentum ad crumenam*. Many a man might have an estate burdened by private debts and judgments against his ancestors—the property might be onerously loaded by the accumulation of jointures and family settlements; and, although from no fault of his own, it might be impossible for him to go into the money market and obtain the means of relieving himself from his embarrassments; and would it be just to say that such a man was not as worthy in point of morality to sit in that House as any other individual? When they talked of immorality, criminality, or culpability, who, he asked, had a right to go round the House, and measure the moral guilt, or whatever they liked to call it, of his fellows? As to the argument that insolvent Members had better be attending to their own affairs than meddling with duties of legislation, without offering any disparagement to any one in particular, he would ask whether there were not many hon. Members now in that House, coming from the north, south, east, and west, who would have quite enough to do in looking after their own affairs, without attending, at great personal sacrifice and inconvenience, as many of them did? And the same argument that was used against insolvent Members was equally applicable to them. But, after all, the real question they had now to consider was this—was the evil complained of, of such frequent occurrence, that to find a remedy we ought to incur the dangers of altering the whole commercial law of the country "at one fell swoop," and cause a continual collision between that House and the constituencies? The hon. Gentleman who spoke last had said, the House did not enjoy the respect of the people at present. [MR. MACKINNON explained that what he had said was, that the adoption of this Bill would increase the respect of the people for that House.] He would ask the hon. Gentleman to tell them arithmetically how much was added to the existing stock of disrespect for the House by hon. Members refusing to pay their debts? Ought the House to embark in such contingent danger for an object not deserving of support, and not worth the amount of contingent mischief that the Bill might entail? The clauses about the service of notice upon individual Members, would operate most mischievously. A man might be absent from the country without any intention to abscond, when a notice might be left at his home; and all the ignominy and disgrace that might properly attach to a person under different circumstances, would be inflicted upon him. He maintained that it would be impossible to work the Bill for any useful purpose; and in the long course of his experience in that House, he had heard so little of hon. Members claiming the privilege of protection from arrest for debt, that he believed the benefit the measure would secure, would not be anything like commensurate with the risk of legislative and constitutional evils which its adoption would create, and therefore he must strenuously oppose its second reading.

CAPTAIN HARRIS considered the object of the measure to be a good and legitimate one; but he did not think the hon. Gentleman the Member for Dartmouth would arrive at his object by means of this Bill. He believed it would put greater power over the House into the hands of creditors than it would be safe for them to possess, and, instead of rendering Members liable to exclusion from the House for insolvency, he believed, if they were made liable to arrest during the recess up to a short time before the meeting of Parliament, no one would enter the House for the sake of protection from his debts.

MR. MULLINGS would support the Bill, because he believed that persons who were not independent in their circumstances were destitute of one of the essential qualifications of a Member of that House. Bankrupt Members were not now allowed an immunity from the claims of their creditors; but with regard to insolvent Members there was an entire denial of justice to the creditor. The insolvent Member could dispose of his property without

being liable to be examined before the ordinary tribunals of the country as to whether he had fraudulently made away with it or not. It had been objected to this Bill that it would exclude Members guilty of no immorality themselves, but whose estates had been heavily encumbered by their predecessors. But the fact was, that no man was personally responsible for the debts of his ancestors; and if the owner wished to go to the money market to relieve himself from his embarrassments, he had only to let the creditor know that he was ready to give the security of his estate, and the creditor would be glad to accept the terms.

SIR T. COLEBROOKE would support the Bill, because he thought the reason for these privileges had ceased, and that if they were retained they ought not to be allowed to be exercised for discreditable purposes.

MR. J. STUART considered that their privileges formed a very important subject, securing as they did the independence of the votes of the Members of that House; and he held that that object could not be secured consistently with this Bill. For what was the principle of the measure? Why, to enable the creditor of any Member of that House to take steps in a summary way that might deprive that Member of his seat. And let them just conceive what would be the position of any Member liable to such proceedings by an individual creditor who wished to secure his vote on any particular question. He said, that anything more degrading than the situation of that Member whose independence might be thus struck at, it was impossible to conceive. That consideration of itself was sufficient to induce him to give his decided opposition to this Bill; for while he admitted that at present, in a sense, an injustice was done to the creditor, at the same time the paramount consideration he had mentioned ought not to be lost sight of. And he must say, that he was not aware of any case of practical inconvenience suffered by a creditor by reason of the privileges of Members of Parliament.

The House divided:—Ayes 55; Noes 45: Majority 10.

List of the AYES.

Aglionby, H. A.	Bremridge, R.
Arkwright, G.	Bright, J.
Armstrong, R. B.	Brotherton, J.
Bass, M. T.	Buxton, Sir E. N.
Blair, S.	Campbell, hon. W. F.
Bouverie, hon. E. P.	Cavendish, hon. C. C.
Christy, S.	Masterman, J.
Clive, H. B.	Mundy, W.
Colebroke, Sir T. E.	Palmer, R.
Compton, H. C.	Pechell, Capt.
Davie, Sir H. R. F.	Pilkington, J.
Ellis, J.	Plumptre, J. P.
Gordon, Adm.	Portal, M.
Grenfell, C. W.	Pugh, D.
Grey, rt. hon. Sir G.	Romilly, Sir J.
Guest, Sir J.	Simeon, J.
Gwyn, H.	Stansfield, W. R. C.
Harris, R.	Talfourd, Serjt.
Hawes, B.	Thicknesse, R. A.
Hayes, Sir E.	Thornely, T.
Heald, J.	Tufnell, H.
Houldsworth, T.	Verney, Sir H.
Jervis, Sir J.	Wellesley, Lord C.
Kershaw, J.	Williams, J.
Lewis, G. C.	Wilson, J.
Lewisham, Visct.	
Mackinnon, W. A.	TELLERS.
Magan, W. H.	Moffatt, G.
Maitland, T.	Mullings, J. R.

List of the NOES.

Barrington, Visct.	Mahon, Visct.
Bernal, R.	Meux, Sir H.
Brackley, Visct.	Miles, W.
Bromley, R.	Morris, D.
Buller, Sir J. Y.	Muntz, G. F.
Bunbury, E. H.	Newdegate, C. N.
Burke, Sir T. J.	Nicholl, rt. hon. J.
Burroughes, H. N.	Packe, C. W.
Clay, J.	Pakington, Sir J.
Deedes, W.	Patten, J. W.
D'Eyncourt, rt. hn. C. T.	Roche, E. B.
Fitzroy, hon. H.	Russell, Lord J.
Foley, J. H. H.	Smith, rt. hon. R. V.
Freestun, Col.	Spooner, R.
Goulburn, rt. hon. H.	Stanley, E.
Hale, R. B.	Taylor, T. E.
Harris, hon. Capt.	Thompson, Col.
Hayter, rt. hon. W. G.	Waddington, H. S.
Hildyard, T. B. T.	Willyams, H.
King, hon. P. J. L.	Wilson, M.
Legh, G. C.	Wood, rt. hon. Sir C.
Lockhart, A. E.	TELLERS.
Lockhart, W.	Stuart, J.
Lygon, hon. Gen.	Clay, Sir W.

Main Question put, and agreed to.

Bill read 2°, and committed for Wednesday next.

BRIBERY AT ELECTIONS BILL.

The House went into Committee on this Bill; Mr. Bernal in the chair.

Clauses 6, 7, and 8, were severally agreed to without discussion.

On Clause 9, providing that charges of bribery or treating may be made against an unsuccessful candidate, whether the seat be prayed for or not,

SIR J. PAKINGTON stated, that the clause had his concurrence, but had been proposed by the hon. Member for Abingdon. The effect of the proviso would be to prevent the repetition of what had taken place last Session on more than one occa-

sion, namely, that on the trial of an election petition bribery at a former election had been proved. In the similar cases of Horsham and Cheltenham, the Members were unseated on account of bribery or treating. In both cases contests took place on the avoidance of the first elections. Petitions were presented, on the trials of which charges of bribery were brought forward, referring, not to the elections in question, but to the elections of the previous year. In both cases, the extraordinary course had been taken of giving notice to the electors that their votes would be thrown away in consequence of bribery at a former election. In the case of Horsham, the Committee decided by a majority of three to two that the notice to the electors was good, and they seated Lord Edward Howard, who had the minority of votes. By a mere electioneering trick a candidate might be cheated out of his seat, to the gross violation of all justice. In the Cheltenham case, the Committee held, and properly, that they would not seat a candidate who had a minority of votes in consequence of those notices having been issued. By a majority also of three to two, that Committee came to an opposite conclusion from the Horsham Committee.

Mr. GOULBURN opposed the clause, on the ground that it would subject an unsuccessful candidate to an inquiry into his conduct at the election, without his previously receiving notice that charges were intended to be brought against him.

Sir W. CLAY, as chairman of the Cheltenham Election Committee, begged to make a few observations. The question had come before them as to whether it was competent for them to inquire into the alleged acts of previous bribery, and they were of opinion, after hearing counsel, that it was competent for them to do so, so that a man might be called upon to defend himself against a charge of bribery committed four or five years before. The clause before them would, he considered, obviate the difficulty, and he approved of the objects of it.

Sir J. PAKINGTON announced, that it was his intention to withdraw the clause for the present, with a view of meeting the suggestion of the right hon. Gentleman the Member for Cambridge University; but he would bring up the clause in its amended form on the report.

Mr. VERNON SMITH considered that due notice should be given to an unsuccessful candidate against whom a petition had not been presented, in case it was intended to prefer any charge against him.

Sir T. COLEBROOKE would suggest, that if it were desirable that such charges should be rebutted, it should be done in the same way as if it were done under a petition.

Mr. NEWDEGATE requested the hon. Baronet the Member for Droitwich to reprint his Bill, as he now proposed to make a material alteration in a new clause, and there was considerable misapprehension on that side of the House as to what portion of the measure he intended to retain. Let the House have an opportunity of seeing the Bill in the shape in which the hon. Baronet intended to proceed with it.

Mr. ROUNDELL PALMER, referring to the second Cheltenham Election Committee, last Session, said, that he had on that occasion been impressed with this consideration, that, whilst they were every Session endeavouring, by a sort of rambling legislation, to prevent bribery and corruption, they were wholly neglecting one important course of proceeding, by the adoption of which they might do much good, namely, that of settling by law those points in regard to bribery and treating which were constantly coming before them. He should be glad to see the appointment of a Committee to inquire into the actual state of the law on those subjects, and to see the points in which it required amendment. Last year, as was well known, two Committees came to different decisions on a question of this nature at the same time, and each Committee by a casting vote. The clause before the House left this most important question just as much open as before; and it was possible that a candidate, being in a minority, and having, perhaps, only some thirty or forty votes, might, in the event of his opponent being unseated on the ground of bribery and treating, be declared the sitting Member in his place. If they left the law in the state in which it was, it would lead to endless petitions in future Parliaments. For his own part, he believed that the decision which had been come to in the Cheltenham case was the correct one, and that the decision in regard to the Horsham election was wrong. If he might offer a suggestion on this case before he sat down, he would say that they must decide this question in one of two ways—either declare that in no case should a Committee, pronouncing a Member dis-

qualified from want of property, or for bribery, give the seat to a candidate who might be unable to place himself in a majority; or else declare that, in such a case, a candidate who had obtained a certain portion—to be hereafter determined upon—of the suffrages of the constituency, and whose hands were free from bribery, should be the sitting Member.

MR. E. H. BUNBURY, as a member of the Horsham Committee, begged to state that they believed they were bound by the existing state of the law to come to the decision at which they had arrived; it was their opinion, at the same time, that the state of the law was unsatisfactory, and he believed that was the opinion of every one who had carefully inquired into the subject. He hoped the hon. Baronet would not be induced to abandon the two principles of his clause, and that the clause would be retained, with the amendment suggested by the right hon. Gentleman the Member for Cambridge University. He also considered that the suggestion of the hon. and learned Member for Plymouth was most valuable, and concurred in the propriety of removing all doubt, and settling the question.

MR. BERNAL: Do I understand the hon. Baronet to postpone the clause?

SIR J. PAKINGTON: I propose to postpone it to meet the suggestion of the right hon. Gentleman the Member for Cambridge University; but I will bring it forward again on the report.

VISCOUNT MAHON hoped that the House would be prepared in the ensuing Session to institute an inquiry into the subject, by means of a Select Committee. He really thought the fact of bribery and treating depended much less upon any positive enactment than upon the view taken of the matter by any particular Committee. He thought, for instance, there was a most important distinction in fact—and it might be doubtful whether there ought not to be a distinction in law—between refreshments honestly given to voters, and money and riotous entertainment supplied to voters in towns. He hoped that his hon. Friend would agree to the suggestion which had been made to have this Bill recommitted; and he would also suggest that the title and preamble of the Bill should be modified. In his opinion they were both rather too comprehensive.

MR. ARMSTRONG considered that the clause was one of vital importance; and he thought no other alteration was required except a provision for giving notice to the unsuccessful candidate that his conduct would be inquired into.

MR. G. J. HEATHCOTE said, that he was firmly of opinion that the system of giving refreshment tickets was one that was absolutely necessary, and impossible to be dispensed with. The people who came great distances to vote for a person, would think they were treated in a mean and inhospitable manner if those tickets were to be withheld. He did not see, either, that there could possibly be any corruption in so doing; as, if all the candidates did the same thing, it could not operate unfairly to the interests of any one of them. He believed the system was nothing more than a little innocent harmless hospitality.

Clause postponed. Remaining clauses of the Bill agreed to.

House resumed.

Bill reported as amended; to be considered on Wednesday next.

AFFIRMATION BILL.

The Order of the Day for the Third Reading of this Bill having been read,

MR. LAW said, that he should regret that the Bill should be said to have passed with his concurrence, as he believed its effect would be most injurious, and, if passed, they might as well shut up the courts of justice at once. In every civil case, the parties to any proceeding were entitled to have the best evidence they could get, given before the court on the most solemn veracity of the witness. If this measure were passed, any person might present himself who had possessed at one time a good character and a good half-crown, and deprive the parties of all the benefit of such evidence.

Main Question put, "That the Bill be now read the third time."

The House divided:—Ayes 73; Noes 51: Majority 22.

Bill read 3°.

On the Question that the Bill do pass,

MR. NEWDEGATE complained of the haste and absence of discussion which had marked the progress of this Bill. He did not wish that it should go forth to the public that the vote which had just been given should be considered as the deliberate act of a full House, but that, owing to accidental circumstances, the passing of this Bill had been facilitated in a manner most extraordinary. If the principle of such a Bill as this was good, it tended di-

rectly to the abolition of all oaths; and the sooner that abolition took place the better, as to invite parties to take oaths, after oaths had been declared to be unnecessary, was to invite them to do that which might be almost considered a crime.

Mr. LAW said, that this was a measure which struck at the root of testimony given in a court of justice. It not only went to relieve tender consciences from giving genuine and true testimony, but it carried with it the expression of the opinion of the House of Commons, that evidence given under a less solemn sanction than that of an oath, was entitled to equal faith with testimony on oath. He was satisfied that those who were concerned in the administration of public justice would feel that this was a blow struck at the very root of that administration. He hoped that it would not be so: but this he knew, that the most hardened criminals had often shrunk from giving that testimony on oath which might have relieved their companions in the dock from the consequences of a conviction. He well knew the effect produced upon witnesses when they were reminded that they were speaking under the solemn obligation of an oath. He had himself frequently seen the difference of demeanour which such reminding had upon the witnesses in the box. If the person to be exempted from an oath were a Dissenter, a Separatist, or a Quaker, well and good; that was done, and could not now be undone; but here the person to be excused was a person professing to belong to the Church of England, who, if he consulted the pastor of his own church, would be told that it was not only not according to his duty, but that it positively was his duty, in matters affecting the discharge of public justice, to pledge his veracity upon the solemnity of an oath. What would be the practical effect of the measure? As often as a person thought he might be called as a witness, and that much might depend on his evidence, he could give it in a much looser manner than under the solemn obligation of an oath. He might be reminded that a man's life might be taken upon the affirmation of a Quaker; but this was no reason why persons professing the faith of the Protestant Church should be sheltered by a certificate. Depend upon it, if they passed this Bill, appeals would be made to juries to ask whether they could place the same reliance on evidence given under the protection of a certificate, and that given under the obligation of an oath. He spoke on the experience of twenty years, and he implored of the House not to make this dangerous experiment.

Mr. Alderman SIDNEY opposed the passing of the measure. He spoke after considerable experience in the police courts of the city, and he knew the great effect that the oath had upon the lower class of witnesses especially. In some of the city courts there were two Testaments, one with a cross upon the back, and one without, and he had found, in a vast number of instances, that Roman Catholics would give evidence upon the Testament without the cross, but refused to do so when the Testament with the cross was handed to them. Holding these opinions, he had twice recorded his opinion against the passing of this measure, and if any division now took place, he would adopt a similar course.

Motion made and Question put, "That the Bill do pass."

The House divided:—Ayes 77; Noes 73: Majority 4.

List of the Ayes.

Armstrong, R. B.	Lewis, G. C.
Bagshaw, J.	Maitland, T.
Baines, M. T.	Marshall, W.
Bass, M. T.	Matheson, Col.
Berkeley, hon. H. F.	Milnes, R. M.
Berkeley, C. L. G.	Mitchell, T. A.
Bernal, R.	Moffatt, G.
Birch, Sir T. B.	Monsell, W.
Bouverie, hon. E. P.	Mostyn, hon. E. M. L.
Bright, J.	Mowatt, F.
Brotherton, J.	Mullings, J. R.
Brown, W.	Napier, J.
Bunbury, E. H.	O'Connell, M.
Buxton, Sir E. N.	O'Flaherty, A.
Cavendish, hon. C. C.	Ogle, S. C. H.
Clay, J.	Pechell, Capt.
Clay, Sir W.	Pilkington, J.
Clifford, H. M.	Price, Sir R.
Cobden, R.	Roche, E. B.
Colebrooke, Sir T. E.	Scrope, G. P.
Crowder, R. B.	Sheridan, R. B.
Davie, Sir H. R. F.	Simeon, J.
D'Eyncourt, rt. hon. C. T.	Smith, rt. hon. R. V.
Duncan, G.	Smith, J. B.
Ellis, J.	Stansfield, W. R. C.
Evans, W.	Stuart, Lord D.
Fagan, W.	Talfourd, Serj.
Foley, J. H. H.	Thicknesse, R. A.
Fox, W. J.	Thompson, Col.
Freestun, Col.	Thompson, G.
Gibson, rt. hon. T. M.	Thornely, T.
Greene, J.	Tollemache, hon. F. J.
Harris, R.	Verney, Sir H.
Heald, J.	Villiers, hon. C.
Henry, A.	Williams, J.
Hill, Lord M.	Willyams, H.
Jervis, Sir J.	Wilson, M.
Keogh, W.	TELLERS.
Kershaw, J.	Wood, P.
King, hon. P. J. L.	Aglionby, H. A.

List of the NOES.

Arkwright, G.	Hood, Sir A.
Baillie, H. J.	Hornby, J.
Baldock, E. H.	Houldsworth, T.
Barrington, Visct.	Kerrison, Sir E.
Bennet, P.	Lacy, H. C.
Bentinck, Lord H.	Legh, G. C.
Beresford, W.	Lewis, rt. hon. Sir T. F.
Blair, S.	Lewisham, Visct.
Bremridge, R.	Lowther, hon. Col.
Bromley, R.	Lygon, hon. Gen.
Brooke, Lord	Macnaghten, Sir E.
Brooke, Sir A. B.	Mahon, Visct.
Bruce, C. L. C.	Miles, W.
Buller, Sir J. Y.	Moody, C. A.
Burke, Sir T. J.	Mundy, W.
Burroughes, H. N.	Newdegate, C. N.
Cocks, T. S.	Nicholl, rt. hon. J.
Codrington, Sir W.	Packe, C. W.
Coles, H. B.	Pakington, Sir J.
Compton, H. C.	Patten, J. W.
Deedes, W.	Pennant, hon. Col.
Duncombe, hon. O.	Plumptre, J. P.
Du Pre, C. G.	Portal, M.
East, Sir J. B.	Reid, Col.
Egerton, W. T.	Robinson, G. R.
Estcourt, J. B. B.	Sandars, G.
Farnham, E. B.	Sandars, J.
Floyer, J.	Spooner, R.
Frewen, C. H.	Stanley, E.
Fuller, A. E.	Trollope, Sir J.
Goring, C.	Turner, G. J.
Goulburn, rt. hon. H.	Waddington, H.
Gwyn, H.	Wellesley, Lord C.
Hale, R. B.	Wodehouse, E.
Hamilton, G. A.	Young, Sir J.
Hayes, Sir E.	TELLERS.
Heneage, G. H. W.	Law, C. E.
Hill, Lord E.	Sidney, Ald.

MR. LAW said, that from information which he had received, he had been led to believe that there had been an irregularity in the passage of the Affirmation Bill to the House of Lords. He had been informed by one of the officers of the House that the title of the Bill had not been distinctly agreed to, nor put as a substantive question from the chair. The question, "That this be the title of the Bill," was necessary to be put, as he submitted, in order to perfect it. Other business had since been introduced, and as that question had not been audibly put at the time, the Bill had been irregularly sent up to the House of Lords.

MR. SPEAKER said, that he recollected putting the question that the Bill be carried to the House of Lords by Mr. Wood, and his impression was that he had previously put the question relating to the title of the Bill; but if not, the title of the Bill might be added now, its omission would not vitiate prior proceedings.

MR. LAW humbly submitted, that the question with respect to the title of the Bill was now out of order altogether, other business having intervened.

The ATTORNEY GENERAL was of opinion, that if by any accident the question had not been put, the House should allow the Speaker to put it now. Of course, nobody would think of dividing on the matter.

MR. LAW had submitted to the chair, that it was the duty of those who had charge of the Bill, to see that the question respecting the title was put as a substantive Motion. As a question of precedent, he would suggest to the House that it would be dangerous to omit any question on which a debate might arise, or the sense of the House could be taken.

MR. T. D'EYNCOURT said, that the usual course was, that the question could first be put, "That this be the title of the Bill;" and then the question that it be carried to the House of Lords. If this Bill had been actually taken to the House of Lords, there might be a difficulty; but the order of the House to that effect had not been yet obeyed, and the Bill was consequently still in the hands of the House.

MR. W. MILES said, that the question depended upon what had fallen from the Speaker. If the title of the Bill had been put from the Chair, then there was an end of the matter; but if, unfortunately, by some inadvertence, this had not been done, then the point was as to whether or not a question had been omitted on which it was possible for the House to divide. It was desirable to know whether on the title of the Bill it was competent to take a division. He hoped, before the debate proceeded further, they would have the opinion of the Chair on this point.

MR. SPEAKER said, that he understood the first question of the hon. and learned Member was, whether the title of the Bill would not be affected, as it had passed. He had replied that the last question had nothing to do with the title of the Bill. He really should have said, that his own impression was that he had put all the questions, and this was the opinion of the competent officers at the table. This question was almost a matter of course, and might have been put in a hurried manner. He recollected perfectly well putting the last question, as to the Bill being sent to the Lords, because he had the hon. and learned Member for Oxford in his eye at the time he put the question.

MR. BOUVERIE observed, that he was close to the chair at the time, and his own

impression was that the Speaker did put the question; but he would not take his oath on the point.

MR. CORNEWALL LEWIS considered, if there had been any inadvertence in this case, it was not a question which touched the Gentleman who had charge of the Bill. The point was, as to the effect of an inadvertence in a mere formal question as to the title of the Bill. He had never seen a division on this question since he had been in Parliament. He would submit it to hon. Gentlemen who had opposed this Bill, whether they *boná fide* intended to take a division on that question; and if not, whether, from a mere inadvertence, they would press their objection.

MR. SPEAKER said, if it was admitted that there had been some inadvertence as to putting the question as to the title of the Bill, the matter would stand thus: an hon. Member had been directed to take the Bill to the Lords, but it had not yet left the House, and it had not been signed by the clerk, therefore it was not too late to put the title to it. His own impression still was, that he had put the question.

MR. LAW observed that he would not press the matter further.

Subject dropped.

COPYHOLDS ENFRANCHISEMENT BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. AGLIONBY, in moving the second reading of this Bill said, that he did not anticipate any serious opposition at that stage of the Bill, although several petitions had been presented against it; but these rather applied to the details to be considered in Committee, than to the principle of the measure. The Lord Chancellor had introduced, at the commencement of the last Session, a Bill very similar in its provisions to the present, but for some reason or other it had been allowed to drop without notice, and another measure was brought in, which also was not pressed. Why neither of these measures came down to that House, he could not say; but he referred to the matter with the view of showing that the Government had taken up the question last year. At the commencement of the present Session, he had asked whether it was the intention of Her Majesty's Government to introduce a measure on the subject during the present Session; and on being informed that it was not intended to do so, he felt called upon to take upon himself the responsibility of introducing this Bill. In 1841, a Committee of that House had been appointed to inquire into the whole subject; and, after full consideration, it had reported that for the relief of the poorer holders of land it was most desirable that some measure for the enfranchisement of copyholds should pass. The report also stated, that it was the opinion of the Committee that copyhold tenure was not adapted to the circumstances of the present day, and that the existing system was a blot on the jurisprudence of the country. It added, that a measure for this purpose would not only be a public boon, but should be regarded as a national object. The Committee strongly urged the passing of a measure by which a certain number of years was to be allowed for voluntary enfranchisement, after which period it should be compulsory. In consequence of this recommendation a Bill was introduced in 1841 on this subject, which passed into a law, but this only went to the extent of voluntary commutation. On that occasion, he and many other hon. Members expressed their opinion that with merely voluntary enfranchisement little would be done, and they urged that the Bill, like the Tithe Commutation Act, should, if voluntary arrangements were not made before a certain time, become compulsory. They had been justified by the result in the predictions they then made, for although some manors, or portions of manors, had been enfranchised, and those chiefly under ecclesiastical tenure, yet, comparatively speaking, little good had been effected. The returns on the table would show that a very small proportion of the land held under this objectionable tenure had been enfranchised. Having had nearly nine years' experience of the voluntary system, he conceived he was justified in calling on the House to proceed a step further. The copyhold commissioners had reported, that after more than six years' experience they found that there had been a slow but gradual advance in the enfranchisement of copyholds held under ecclesiastical lords of manors; but great difficulties had attended the enfranchisement of those held under lay lords. He (Mr. Aglionby) was aware that there were exceptions to this. For instance, the hon. Member for Devonport, who held several manors in the north of England, had rendered great advantages

to his tenants by the facilities which he had afforded for the enfranchisement of copyhold tenures on his estate; but this was almost a solitary instance. The commissioners also said that a general and immediate system of compulsory enfranchisement might be found to be objectionable; they therefore recommended that a more gradual system should be adopted, by which this objectionable tenure might be got rid of. They also recommended that a commutation should take place, by a fixed annual payment, in the place of the present fines and heriots. In another report, made in November, 1848, the commissioners expressed a similar opinion, and recommended that a certain course should be adopted, which would be found embodied in the measure before the House. The Bill, with few exceptions, followed that which was introduced by the Lord Chancellor, on the part of the Government, at the commencement of the last Session. He alluded to the first and not the second of the Bills introduced into the other House. The latter proposed a general and immediate enfranchisement of all copyholds. He certainly could not be a party to such a Bill, because he believed that it would be neither desirable nor practicable. His Bill, therefore, resembled the first Bill introduced by the Lord Chancellor. The first exception he proposed to make in that Bill was to get rid of the clause which enacted that after two-thirds of the tenants were enfranchised, it should be immediately compulsory to confer it on the other third. He did not see the advantage of this, and it might be found to weigh heavily on the poorer holders. The other clause in the Bill of the Lord Chancellor to which he objected, was one which enacted that the expense of the enfranchisement should be divided between the lord of the manor and the tenantry. In his (Mr. Aglionby's) Bill he proposed that the whole of the charge should fall upon the tenant, for the latter received the advantage. There had been no indication of a strong feeling against his measure, for although the number of petitions in its favour was six, while the number presented against it amounted to thirty-two, yet the signatures in its favour numbered 132, while those against it were only sixty. He was ready to give ample time for the consideration of the measure prior to the next stage, and every facility for the fullest discussion of details in Committee; and he earnestly hoped the House would at least admit the principle, and not reject the Bill at this stage.

Mr. G. J. HEATHCOTE said, that the Government, in whose hands alone the measure should be placed, if at all, had already twice attempted to effect the object of the hon. Gentleman, and wholly failed, so complicated were the obstacles which in all directions presented themselves. The measure before the House presented the important objection, that it was a wholly one-sided legislation in relation to a species of tenure in which both parties connected with it were jointly interested. He did not himself desire to prevent the Bill from going into Committee; but he warned the Government and the House that there were exceeding difficulties in the way of dealing satisfactorily with this subject.

Mr. TURNER was not opposed to well-considered amendments of the law; as a proof of which, he might state, that if Her Majesty's Government did not take measures for the improvement of the Courts of Equity, he should think it his duty, next Session, to bring in a Bill for that purpose. He entertained very great objections to this Bill, however, and believed that nothing could be done by Parliament more prejudicial than to interfere, by means of commissioners, with the rights of property in this country. If there could be said to be any principle at all in the matter, he should say it was this, that the Legislature ought not to interfere unless a clear case of public necessity were made out. If such a case could, in the present instance, be said to exist, it must be considered equally to affect the landlord as the tenant; and, therefore, the proposed arrangement ought to be made compulsory, if made at all. As such a measure ought to rest upon general policy, he should not then enter into the details of the Bill, and should now confine himself to observing, that the measure before them left copyright tenure precisely in the same state in which it previously stood. He wished further to say, that in all cases of copyhold tenure, where mines and minerals existed, a great grievance was left unredressed. Upon these grounds, he thought it his duty to move, that the Bill be read a second time that day six months.

The ATTORNEY GENERAL was anxious to state the reasons which would induce him to vote in favour of the second reading. In his opinion it would not be respectful to the commissioners who had inquired into the subject, not to attempt to

reduce into some shape those recommendations which were embodied in the Bill. The Bill also contained many of the clauses in the measure introduced into the House of Lords last Session by the Lord Chancellor. For these reasons he should support the Motion; but he reserved to himself, and to those with whom he was acting, the right of rejecting any of the details, and ultimately, if they deemed it necessary, to vote against the third reading.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 80; Noes 55: Majority 25.

List of the AYES.

Alcock, T.	Miles, W.
Armstrong, R. B.	Milnes, R. M.
Bagshaw, J.	Moffatt, G.
Bailey, J.	Monsell, W.
Baines, M. T.	Mostyn, hon. E. M. L.
Bass, M. T.	Mulgrave, Earl of
Birch, Sir T. B.	Mullings, J. R.
Bright, J.	Neeld, J.
Brotherton, J.	O'Connell, M. J.
Brown, W.	O'Flaherty, A.
Bunbury, E. H.	Pakington, Sir J.
Burroughes, H. N.	Patten, J. W.
Buxton, Sir E. N.	Pearson, C.
Clifford, H. M.	Pilkington, J.
Clive, H. B.	Portal, M.
Cobden, R.	Price, Sir R.
Coles, H. B.	Rice, E. R.
Cubitt, W.	Robartes, T. J. A.
D'Eyncourt, rt. hon. C. T.	Scott, hon. F.
Drummond, H.	Sidney, Ald.
Duncan, Visct.	Smith, J. B.
East, Sir J. B.	Somerville, rt. hn. Sir W.
Evans, W.	Stansfield, W. R. C.
Fox, W. J.	Stanton, W. H.
Gibson, rt. hon. T. M.	Stuart, Lord D.
Glyn, G. C.	Talfourd, Serj.
Goddard, A. L.	Tancred, H. W.
Gooch, E. S.	Thicknesse, R. A.
Greene, J.	Thompson, Col.
Grey, R. W.	Thornley, T.
Harris, R.	Townley, R. G.
Henry, A.	Tufnell, H.
Herbert, rt. hon. S.	Vesey, hon. T.
Jervis, Sir J.	Villiers, hon. C.
Keogh, W.	Wawn, J. T.
Kershaw, J.	Williams, J.
King, hon. P. J. L.	Willyams, H.
Lacy, H. C.	Young, Sir J.
Lewis, G. C.	
Lewisham, Visct.	TELLERS.
Marshall, W.	Aglionby, H. A.
Matheson, Col.	Granger, T. C.

List of the NOES.

Adair, H. E.	Bouverie, hon. E. P.
Arkwright, G.	Brooke, Lord
Baldock, E. H.	Brooke, Sir A. B.
Barrington, Visct.	Buller, Sir J. Y.
Bennet, P.	Burke, Sir T. J.
Bentinck, Lord H.	Cavendish, hon. C. C.
Beresford, W.	Cocks, T. S.
Blair, S.	Codrington, Sir W.
Deedes, W.	Hood, Sir A.
Duncombe, hon. A.	Hornby, J.
Duncombe, hon. O.	Lowther, hon. Col.
Dundas, G.	Makinnon, W. A.
Dunne, F. P.	Magan, W. H.
Du Pre, C. G.	Mandeville, Visct.
Edwards, H.	Meux, Sir H.
Farnham, E. B.	Mundy, W.
Floyer, J.	Napier, J.
Foley, J. H. H.	Packe, C. W.
Freestun, Col.	Plowden, W. H. C.
Gaskell, J. M.	Plumptre, J. P.
Granby, Marq. of	Richards, R.
Grogan, E.	Rushout, Capt.
Gwyn, H.	Smyth, J. G.
Halsey, T. P.	Sotheron, T. H. S.
Harris, hon. Capt.	Spooner, R.
Hayes, Sir E.	Stanley, E.
Heathcote, G. J.	TELLERS.
Heneage, G. H. W.	Turner, G. J.
Hill, Lord E.	Berkeley, G.

Main Question put, and agreed to.

Bill read 2°, and committed for Wednesday 20th June.

SMOKE PROHIBITION BILL.

Order for Second Reading read.

Motion made, and Question proposed, "That the Bill be now read a Second Time."

MR. WILLYAMS said, he should give the most strenuous opposition in his power to this Bill, because he conceived it to be unnecessary and mischievous. It was also partial, inasmuch as it exposed certain manufactures to penalties, whilst it exempted others. He therefore, without further comment, moved that the Bill be read the second time that day six months.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words "upon this day three months."

MR. MACKINNON reminded the House that this identical measure had already gone twice through the House of Lords, and that during the last Session it passed the second reading in that House. The principle of it, therefore, had been affirmed by Parliament, and he did not think that upon examination it would be found so objectionable as the hon. Gentleman seemed to consider it.

MR. THORNELY acknowledged that the hon. Gentleman the Member for Leamington had shown the greatest courtesy towards all parties who had made representations to him upon the subject of the measure. He (Mr. Thornely) had himself introduced to the hon. Member a deputation from South Staffordshire, upon whose representations he had agreed to exempt, in Committee, iron works, coal works, and glass works, from the operation of the Bill.

But, although the particular objections of those gentlemen were thus removed, there were others of a general character, which, as it appeared to him, it would be difficult to obviate. He could not see how a general measure could be made applicable to all the various manufactures of the country. In his opinion, the best course would be to empower the municipal council of every borough to undertake the prevention of nuisance by smoke, seeing that they, from their local knowledge, were best calculated to consider the circumstances of the place with regard to manufactures.

The ATTORNEY GENERAL said, it was because municipal boroughs could not make regulations for the prevention of smoke, that a general measure had been deemed necessary for the purpose. When the House remembered that the smoke clauses were taken out of the Public Health Bill, he hoped they would not consent to the rejection of this measure at the present stage. At that period there was almost an unanimous opinion that it was necessary to pass some measure, though great difficulty was felt in adjusting the details. All, however, which the present Bill affirmed was, that something should be done to prevent the unnecessary issue of opaque smoke after the year 1851. That was the principle of the measure, and it would be matter for future consideration whether its provisions should or should not be carried out by the municipal councils. Under these circumstances he trusted the House would assent to the second reading.

MR. BRIGHT had, upon every occasion since he had been in Parliament, opposed the progress of all Bills under this denomination. Every Session confirmed his opinion that general legislation upon this subject was not practicable, and that if it were it could not be advantageous. He was pretty sure that the parties who had drawn up the Bill did not know much about the question, otherwise they would not have proposed it in its present shape. It included nobody but the manufacturers of the north of England. Collieries, iron-works, glass-houses, which produced infinitely more smoke than manufacturers' chimneys, were expressly excluded from its operation. But, if the Bill were necessary upon any general principle affecting the public health, it must be just as applicable to those establishments as to manufactories; and he had no sympathy with those legislators who, after having seen one deputation, cut out three-fourths of their legislation, and left the remaining fourth applicable only to a particular trade. But to come to the details of the measure. The Attorney General evidently did not know much about smoke from factories, and it was well known that the clause in the Health of Towns' Bill had been withdrawn on account of its wholly impracticable nature. As to the Bill before the House, he believed that it would be found to pass human comprehension to decide what was opaque smoke, and what was not opaque smoke, as it issued from a chimney from 20 to 80 yards high. It was provided that this opaque smoke was not to be allowed to issue for a longer time than was necessary to kindle the fires; but was the hon. Gentleman who had charge of this Bill aware that the fires were kept up from week to week, and were never allowed to go out, except when it was necessary to clean the boilers? He would ask how would they meet a case where all the flues of three or four mills, each having perhaps three or four furnaces, went up a single large chimney, and where the men were in the habit of applying fresh coals to each furnace every four or five minutes? How could they, in such a case as that—and it was not an unusual one—decide who was the guilty party when opaque smoke was seen to issue from the chimney? The Bill would, he was convinced, become a dead letter, after first exposing the manufacturers to great difficulties and annoyances.

MR. W. BROWN said, that scientific men had failed to discover any effectual way for burning smoke. All the attempts that had as yet been made were deemed entire failures in the manufacturing districts; and until men of science could be found to agree among themselves on the matter, he did not think that the House ought to interfere.

MR. MUNTZ said, he thought that the suggestion of the hon. Member for Wolverhampton was deserving of great attention, that every district should be at liberty to decide whether its smoke was a nuisance or not. The only proper way for lessening the amount of smoke was by increasing the boiling room; but in a crowded town like Manchester that was impossible. Wherever there were manufactures of metals they must have smoke, and with regard to this class of works, he thought the provision in the eighth clause of this Bill much more objectionable than the pre-

ceding Bill had been. The clause subjected the manufacturers to vexatious interference where smoke could not possibly be avoided.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 72; Noes 37: Majority 35.

List of the AYES.

Aglionby, H. A.	Heneage, G. H. W.
Alcock, T.	Hill, Lord E.
Armstrong, R. B.	Hood, Sir A.
Baines, M. T.	Inglis, Sir R. H.
Baldock, E. H.	Jermyn, Earl
Barrington, Visct.	Jervis, Sir J.
Bennet, P.	Keogh, W.
Beresford, W.	Lewis, G. C.
Berkeley, C. L. G.	Lowther, hon. Col.
Bromley, R.	Magan, W. H.
Brooke, Sir A. B.	Meux, Sir H.
Brotherton, J.	Miles, W.
Burke, Sir T. J.	Moffatt, G.
Buxton, Sir E. N.	Mostyn, hon. E. M. L.
Cavendish, hon. G. H.	Mundy, W.
Cayley, E. S.	Napier, J.
Clive, H. B.	Neeld, J.
Cocks, T. S.	Nicholl, rt. hon. J.
Codrington, Sir W.	Packe, C. W.
Coles, H. B.	Patten, J. W.
D'Eyncourt, rt.hon.C.T.	Plowden, W. H. C.
Duncombe, hon. A.	Portal, M.
Dundas, G.	Repton, G. W. J.
Dunne, F. P.	Rice, E. R.
Ebrington, Visct.	Richards, R.
Edwards, H.	Smyth, J. G.
FitzPatrick, rt.hn.J.W.	Somerville, rt. hn. Sir W.
Freestun, Col.	Stanley, E.
Gaskell, J. M.	Stansfield, W. R. C.
Goddard, A. L.	Taylor, T. E.
Granger, T. C.	Thicknesse, R. A.
Greene, J.	Verner, Sir W.
Gwyn, H.	Vesey, hon. T.
Halsey, T. P.	Young, Sir J.
Hamilton, G. A.	
Hamilton, Lord C.	TELLERS.
Hardcastle, J. A.	Mackinnon, W. A.
Hayes, Sir E.	Duncombe, O.

List of the NOES.

Arkwright, G.	Monsell, W.
Blair, S.	Morris, D.
Bright, J.	Mullings, J. R.
Brown, W.	Muntz, G. F.
Cobden, R.	Pechell, Capt.
Duncan, Visct.	Pilkington, J.
Estcourt, J. B. B.	Robartes, T. J. A.
Farnham, E. B.	Rushout, Capt.
Floyer, J.	Seymour, Lord
Foley, J. H. H.	Sotheron, T. H. S.
Gibson, rt. hon. T. M.	Spooner, R.
Grace, O. D. J.	Stanton, W. H.
Greenall, G.	Tenison, E. K.
Harris, R.	Thompson, Col.
Headlam, T. E.	Villiers, hon. C.
Heald, J.	Wawn, J. T.
Hornby, J.	Williams, J.
Kershaw, J.	TELLERS.
King, hon. P. J. L.	Thornely, T.
Lewisham, Visct.	Williams, H.

Main Question put, and agreed to.

Bill read 2°, and committed for Wednesday next.

The House adjourned at a quarter before Six o'clock.

HOUSE OF LORDS,

Thursday, June 7, 1849.

MINUTES.] PUBLIC BILLS.—1ª Affirmation.

2ª Defects in Leases.

Reported.—Turnpike Trusts Union; Protection of Women.

3ª Bankrupt Law Consolidation.

PETITIONS PRESENTED. From Belfast, and other Places, that a Demand may be made on the Brazilian and Spanish Governments for the Liberation of all Slaves.—By Earl Nelson, the Marquess of Westminster, and the Bishops of London and Oxford, from various Parishes in the City of London, Chester, and a Number of Places, for the Suppression of Seduction and Prostitution. — From a Number of Places, for Protection from unrestricted Foreign Competition.—By Lord Wharncliffe, from Sunderland, that Boards of Guardians may be Empowered to grant Superannuation Allowances to Poor Law Officers.—By the Earl of Harrowby, from Wastead, Little Ilford, and a Number of other Places, against the Granting of any New Licenses to Beer Shops.

BANKRUPT LAW CONSOLIDATION BILL.

LORD BROUGHAM, in moving the Third Reading, said, he would take the opportunity of thanking his noble and learned Friends, the law Lords, and the Members of Her Majesty's Government in that House, for the valuable support they had given to the Bill. It would now go elsewhere, but he was happy to understand that it would receive the support of Her Majesty's Government in the other House. The Bill was very important as part of a general digest of the law of England, and especially as a digest of a very important part of that law—the law of debtor and creditor. He hoped to see it followed by a digest of the whole of the civil and criminal law of this country.

Bill read 3ª. Amendments made. Bill passed.

PROTECTION OF WOMEN BILL.

House in Committee.

Bill reported without Amendment.

On the bringing up of the Report,

The BISHOP of OXFORD moved the omission of some words from the second clause of the Bill, and the insertion of the words "for lucre or gain" after the word "shall," as had been suggested by the Lord Chief Justice (Lord Denman).

Amendment agreed to.

LORD CAMPBELL said, for the sake of the public, the Bill ought to be printed in its amended form, in order that it might be considered in its principle, and its va-

rious provisions. If, then, he thought he could support the third reading, he would; but if he could not, he gave the right rev. Prelate due notice now, that he might not be exposed to the imputation of improper motives if he should think it incumbent on him to oppose it.

The BISHOP of OXFORD concurred in the suggestion of the noble and learned Lord, and therefore moved that it should be reprinted with the Amendments.

LORD PORTMAN hoped the right rev. Prelate would give sufficient notice of the third reading of the Bill, that their Lordships, having considered the printed Bill as amended, might attend in their places, if disposed, and give their votes upon it.

The BISHOP of OXFORD understood that the principle of the Bill had been discussed on the second reading, and he had to remind their Lordships that the second reading had been postponed till late in the Session that it might be so discussed. He had, of course, no objection to the principle of the Bill being thoroughly discussed; but he hoped, at this late period of the Session, nothing would be done unnecessarily to impede its passing before the recess.

Bill to be read 3ª on Thursday next.

THE EDUCATION COMMISSION.

The ARCHBISHOP of DUBLIN moved an Address that the special report of the Education Commission, relative to the endowed school at Clonmel, lately sent in to his Excellency the Lord Lieutenant of Ireland, should be laid upon the table. He said he did so on account of certain charges of a serious nature which were made in it against the Commissioners. He was one of them, though his duties did not allow him to attend to it, and being ignorant of what the charges were, he was naturally anxious that their Lordships should give him an opportunity of inquiring into them.

LORD MONTEAGLE desired to mark a distinction which existed between the Education Commission alluded to, and the Commission of National Education, to which also his Grace belonged, and contributed in an eminent degree by his writings to the object for which it was instituted. He was afraid, if he had not remarked the distinction, a misunderstanding might have gone abroad in consequence of the indefinite terms which had been used.

Motion agreed to.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Thursday, June 7, 1849.

[The House met, and forty Members not being present at Four o'clock, Mr. Speaker adjourned the House till To-morrow.]

HOUSE OF LORDS,

Friday, June 8, 1849.

MINUTES.] PUBLIC BILLS.—*Reported.*—Defects in Leases. 3ª Apprehension of Deserters (Portugal).

PETITIONS PRESENTED. From London, Cockermouth, and several other Places, for the Suppression of Seduction and Prostitution.—From Kilmeena and Kilmaclasser, against the present Operation of the Poor Laws (Ireland).—By Lord Stanley, from the Mayor and Corporation of the City of London, that the Irish Society may be Exempt from the Operation of the Leasehold Tenure of Lands (Ireland) Bill.

CASE OF MR. RYLAND.

The DUKE of ARGYLL, in rising, pursuant to his notice, to present a petition from George Hermon Ryland, Esq., and to call attention to the statement of his case, said, that he should not trouble their Lordships at any great length, for cases of individual hardship, unless they were connected with party politics, or involved some principle of public importance, were not, he was afraid, calculated to attract a great share of public interest. He had no personal connexion with the petitioner, and until a few months ago he had never heard even of his name; but when the circumstances of that gentleman's case were placed before him they created a very painful impression upon his mind, because he saw that Mr. Ryland was suffering great hardship and wrong at the hands of several powerful bodies. Until a short time ago he had hoped that the case of the petitioner would have been stated to their Lordships by a noble Friend of his, whose long standing and high position in the House would have given him greater advantage than he could possibly aspire to; but when that arrangement failed, and the petitioner asked him to express in public the sentiments which he had often expressed in private, he felt that he could not in common fairness refuse such a request. Although the name of the petitioner was perhaps locally unknown to their Lordships, it was a name which had been long honourably known in our North American possessions. So long ago as the year 1804, Lord Camden, in one of his despatches, had mentioned the name of Mr. Ryland's father as that of an individual

who had claims upon Her Majesty's Government for his long and effective public services. The Earl of Liverpool had also mentioned his name in the same terms; and Mr. Canning had spoken of him in the House of Commons, and in reward of his services he had been appointed Clerk of the Executive Council for the province of Lower Canada. Forty years ago the present petitioner had assisted his father for some years, he knew not how many, in discharging the duties of his office. The earliest despatch in which allusion was made to the petitioner was one written by his noble Friend Lord Glenelg, when Secretary of State for the Colonies. In answer to a Memorial addressed to that noble Lord by the late Mr. Ryland, that he might retire from his office in favour of his son, Lord Glenelg expressed his readiness to accede to it, liable, however, to the approbation of Lord Gosford, who was then Governor General of the province. Lord Gosford, in reply, acknowledged the claims of the Rylands, both father and son, to public employment, and after objecting to appoint the son to the father's office, lest it should give rise to the observation that they held the office of Clerk to the Council by hereditary tenure, said that he should prefer to reward him by appointing him to some other lucrative office. The question was therefore left open for future consideration. Shortly afterwards the late Earl of Durham was sent out as Governor General to Canada; and he intended to give to the present petitioner the office of Receiver General of Canada, which was expected to be shortly vacant. Mr. Ryland the father died, however, before it did become vacant; and thereupon the Earl of Durham issued a commission under the great seal of Canada appointing the son to the office of his father, and to all and singular the fees, profits, and emoluments arising therefrom. Those emoluments amounted to more than 1,000*l.* a year. They were accompanied with no responsibility of a pecuniary kind —the duties of the office were light, and it was therefore a very desirable post. In consequence of the appointment having been made in conformity with the authority of a previous Secretary of State for the Colonies, the Earl of Durham did not consider it requisite to report the appointment to the Government at home. In consequence of his failing so to report it, the apprehensions of Mr. Ryland were excited, and he made an application on the subject to the Marquess of Normanby, who then held the office of Colonial Secretary. That noble Marquess, in July, 1839, wrote a despatch in reply, which he (the Duke of Argyll) considered very important. It was addressed to Sir John Colborne, who was then Governor of Canada, and contained this paragraph :—

"I beg to inform you that Mr. Ryland's nomination to this office was not reported to my predecessor by the Earl of Durham, and, consequently, it was impossible for Lord Glenelg to submit his name to the Queen for that appointment. If, however, you should be of opinion that the selection wos a proper one, and ought to be confirmed, I will give the necessary directions for preparing the usual warrant. But in that case you will apprise Mr. Ryland that if the two provinces of Upper and Lower Canada should be hereafter united, and it should be found, in consequence, impossible to continue his services, he would not be entitled to any retiring allowance on account of his present appointment."

Now, this despatch appeared to him to have been written under a misconception, for the Earl of Durham had issued a commission under the great seal of Canada, appointing Mr. Ryland Clerk of the Executive Council, without any reserve at all. It would therefore have been harsh, had that fact been known, to attempt to impose on the holder of that office conditions which he had not been called on to accede to when he first received his appointment. The noble Marquess had also spoken of the contingent impossibility of Mr. Ryland to continue his services in case the two provinces of Upper and Lower Canada should hereafter be united. That impossibility, however, had not occurred, for Mr. Ryland had held his appointment for nearly a year after their union, and the local Council had reported that he had done so effectively; and the Attorney and Solicitor Generals of Canada gave it as their opinion, that the conditions of the despatch did not apply to the case of Mr. Ryland. Soon afterwards, Lord Sydenham went out to Canada, as Governor General, having had the important trust confided to him of carrying into effect the union of the two provinces. In the month of January, 1841, he (the Duke of Argyll) was informed — but the letter was not forthcoming — that Lord Sydenham had received a letter from Lord John Russel, then Secretary of State for the Colonies, requesting him not to remove Mr. Ryland from his office. Lord Sydenham at first had no intention of removing him; for, in February, 1841, he swore him into office as Clerk of the Council of the two

provinces. Soon afterwards, however, Lord Sydenham proposed to organise his Council on a new system; and he proposed, in consequence, to Mr. Ryland, to surrender his appointment, and to accept in its stead the office of Registrar of the district of Quebec. As Lord Sydenham was then about to leave the colony, Mr. Ryland sent in to his Lordship a memorial containing an account of the emoluments of the office which he was about to leave, and of the office which he was about to take, and asked him for a guarantee that his emoluments should hereafter be made up to the amount which he received as Clerk of the Council. In reply to this application, Lord Sydenham, in November, 1842, wrote a letter, by his chief secretary, which contained this paragraph:—

"In regard to the Registrarship of Quebec, his Excellency will be prepared to appoint you to that situation whenever the ordinance under which it is created shall be brought into operation, and, in the interval, you will continue to receive the salary attached to the office of Clerk of the Council. But as it is possible that the emoluments of the Registrarship of Quebec may fall very far below those of your present office, his Excellency is willing to guarantee to you an income equal to the sum to which you would be entitled as a retiring allowance were your employment in the public service altogether discontinued. Assuming your income, on an average of the last three years, to be 1,030*l.* currency, and your length of service as a public officer to be twenty-four years, you would be entitled, under the scale established by the 4th and 5th William IV., c. 24, to a retirement equal to one-half your emoluments, or 515*l.* currency. That amount, therefore, his Excellency is willing to guarantee to you, by making up your emoluments from the employment in the public service which may hereafter be assigned to you, to that extent, should they be insufficient of themselves to do so—should they exceed it, you will of course be entitled to the excess."

He (the Duke of Argyll) called the particular attention of their Lordships to this guarantee, as it was given to Mr. Ryland by the nobleman who was then the representative of the Crown in Canada. Their Lordships would observe, that Lord Sydenham did not, in his guarantee, promise to give to Mr. Ryland emoluments equal to those which he derived from the office which he was about to leave. He did not do that; he only promised to give him an income equal to one-half of the emoluments of his office of Clerk to the Council. Mr. Ryland, by the 4th and 5th of William IV., c. 24, was entitled, at that moment, after twenty-four years' service, to a pension equal to one-half of the emoluments which he was then leaving. Now, Lord Sydenham was inducing him to resign his old office by giving him a new one with additional work and inferior emoluments. This was, therefore, no very exorbitant guarantee for Lord Sydenham to grant. Mr. Ryland was only promised, for hard work and great responsibility in a new office, an income equal to that to which he would then have been entitled upon retiring, for no work, and without any pecuniary responsibility at all. It was in the beginning of 1842, that Mr. Ryland ceased to draw his salary as Clerk of the Council, and to take that of Registrar of Quebec. He had expected that his income for the first year, when the registration commenced, would be 25,000*l.*, but that, afterwards, it would not exceed 500*l.* a year. In July, 1842, above six months after the duties of his office had commenced, Mr. Ryland found the expenses of it so great, and the disbursements required so large, that he applied to Sir C. Bagot for an indemnity for the sums which he had advanced. Sir C. Bagot, in his reply, fully acknowledged the guarantee given to Mr. Ryland by Lord Sydenham, but contended that it could not come into operation for a year. At the end of the year 1842 the ordinance under which the office of Registrar of Quebec was regulated was changed, and the conditions, by which he expected to have netted 25,000*l.* in the first year, were so reduced, that his emoluments seemed likely to fall short of the sum which he had been guaranteed. Then Sir C. Metcalfe became Governor General of Canada. To him Mr. Ryland applied; and, in answer to his application, Sir C. Metcalfe officially replied:—

"His Excellency acknowledges your claim to the fulfilment of Lord Sydenham's guarantee, but has no means at his disposal of performing its stipulations, and is advised that a reference to the provincial Parliament would be unsuccessful. Nothing, therefore, is in his power but to keep your claim in view, and to consider it as occasions may arise for benefiting you, consistently with the public interests."

This letter was dated the 7th of April, 1843. In answer to this letter, Mr. Ryland addressed a letter to Sir C. Metcalfe, which it was impossible for any man to read without feelings of pain and sorrow. Mr. Ryland stated that the advances which he had made, had not only involved him in considerable embarrassment, but had almost reduced him to the verge of ruin; he, therefore, urged his request in these terms:—

"Reserving my claim and right to a full indemnity for the actual loss I have sustained by the non-performance of the guarantee, as also for the loss of those advantages which I should still have reaped from the office, such as it was, if it had not been made worse by the Legislature after I accepted it, but before it went fully into operation, I claim to be allowed, at the end of the present year, when my engagement with the officers of the department will have expired, to surrender the office, rather than be involved in worse ruin, and to receive, until an opportunity occurs for placing me in a situation equivalent to that I originally gave up, a retiring allowance on the established pension fund, or otherwise, to the amount which, by Mr. Secretary Murdoch's letter of the 23rd of August, 1841, I was declared to be entitled. I trust that, a grievous wrong having been done me, I shall not be driven into the dilemma of suffering, on the one hand, daily increasing loss, of which no end can be seen, by retaining the office after the period above specified, or of sacrificing, or being considered to sacrifice, on the other hand, my claims on the Government for an equivalent or redress by divesting myself of it."

This requsition Sir C. Metcalfe was no more able to grant than the former requisition which Mr. Ryland had addressed to him. Mr. Ryland then applied to Lord Stanley, who at that time held the seals for the Colonies; and on the 31st of March, 1844, his Lordship wrote a despatch to Sir C. Metcalfe, which it was important that their Lordships should consider, as it was upon that despatch, as also on the despatch of the Marquess of Normanby, that the opponents of Mr. Ryland's claims principally relied. His Lordship said—

"It is clear from the information afforded to me, that Lord Sydenham was fully aware of the condition attached by Her Majesty's Government to the promotion of Mr. Ryland to the office of clerk of the Executive Council of Lower Canada, but that his Lordship thought proper to disregard it, and entered into an engagement with Mr. Ryland, which involved a violation of the instructions of the Secretary of State. It is of course impossible for me to sanction any claim, as of right, founded on the fact of any persons, whoever they might be, taking on themselves to set aside, without even reporting the fact, the official instructions of Her Majesty's Government. The utmost that Mr. Ryland could expect, under Lord Normanby's despatch of the 3rd of July, 1839, was either to be provided with another suitable office, or to be granted a pension computed upon his emoluments as assistant clerk of the Executive Council. Mr. Ryland did receive another appointment, but the income arising from it has not proved sufficient for his legitimate expectations. I am therefore of opinion that he might, with propriety, be assigned, from the fund of 5,000*l.* a year reserved to the Crown by the Reunion Act for pensions, an allowance proportioned to his income as assistant clerk, until it should be in the power of the Provincial Government to provide him with a more lucrative office than his present one, and the pension fund admit of it. I think that the allowance should be issued from the date at which he ceased to draw salary as clerk of the Executive Council."

The question, then, turned upon this point—did Lord Sydenham enter into an engagement with Mr. Ryland which exceeded the powers granted to him as representative of the Crown in Canada? He (the Duke of Argyll) should contend that his Lordship had not. On being made acquainted with the despatch of Lord Stanley, Mr. Ryland applied again to the local Government. He also sent in a petition to the Legislative Assembly of Canada, and complained that the guarantee of the Crown had never been fulfilled, although it had been recognised by successive Governors. That memorial was opposed by the Cabinet of Sir C. Metcalfe. It was, however, received by the Legislative Assembly, and referred to a Select Committee, which was ordered to report on all the facts of Mr. Ryland's case. That Committee drew up a report favourable to the claims of Mr. Ryland, and recommended an address to the local Government, expressive of an opinion that the guarantee of Lord Sydenham ought to be fulfilled. With respect to the despatch of the Marquess of Normanby, the Committee expresses itself thus:—

"Even supposing Lord Normanby's despatch of the 3rd of July, 1839, to have been applicable to Mr. Ryland's case (which the Committee do not admit), it is evident that the contingency therein mentioned did not occur. For, instead of its being found impossible to continue his services, he was actually appointed clerk of the Executive Council of the Province of Canada after the Union, and continued to perform the duties of the office for nearly a year afterwards."

The report concluded thus:—

"It appears that Mr. Ryland, by trusting to the guarantee of the late Governor General, has lost a lucrative office—has been deprived of all emolument from his substituted appointments—and is now threatened with the loss of his retiring allowance, which he would have had a right to claim, at the same time that other officers similarly situated were placed on the pension list of the country. Your Committee, on a consideration of the circumstances above stated, cannot but consider that Mr. Ryland's case is one of great hardship—that his claims, the justice of which has been officially recognised by the late Governor General, Lord Metcalfe, ought not to be avoided or overlooked—and that he has a right to expect that the contract entered into between him and the Government, of which he has performed his part, should be carried out according to its terms; or, as that may now be impossible, that he should be fully compensated for the non-fulfilment thereof."

He must now inform their Lordships that on this report being brought up, a division took place upon it, and it was rejected.

It was, however, put in another shape subsequently, and then it was carried unanimously. The Legislative Assembly rejected the claim of Mr. Ryland on the provincial funds, and threw it upon the imperial funds. They therefore resolved upon an address to the Crown, in which they came to conclusions expressed almost in the words of the report which he had just read to their Lordships. This appeal to the Crown was received by Earl Grey, who had then succeeded to the Colonial Office; and in July, 1846, he wrote the following despatch:—

"An examination of that correspondence has satisfied me that the decision communicated to you by Mr. Gladstone, in his despatches of the 1st and 26th of May last, was just and well founded. My predecessor did not controvert, nor do I deny, Mr. Ryland's claim to compensation for whatever loss he may have sustained by the surrender of his office as clerk to the Executive Council. But that surrender was made with a view to Canadian objects, and in aid of a policy suggested by, and directed to, the interests of Canada. Mr. Ryland was a public officer of that province; and it was as Governor of Canada, and in no other capacity, that Lord Sydenham negotiated with him. His Lordship had no authority whatever to bind the British Treasury by any such negotiation. Whatever may be the justice of the claim, it is, therefore, a claim against the local, not against the imperial revenue. As the House of Assembly have acknowledged the validity of it, your Lordship will strongly urge on that House the necessity of their providing for the reasonable compensation of the claimant. I must decline to advise the Lords Commissioners of the Treasury to address any such recommendation to Parliament."

From this despatch it was quite clear that his noble Friend acknowledged the justice of the claims of Mr. Ryland, but pointed to the funds of the colony as those from which the guarantee should be made good. In consequence of this despatch, the Cabinet of Lord Elgin appointed a Committee to inquire into the amount of those claims. It was dated the 24th of September, 1847, and was an exceedingly curious document. It entered into an elaborate investigation of the emoluments of the two offices which Mr. Ryland had held, and concluded with this recommendation:—

"That there be placed in the estimates to be submitted at the next Session of the Legislature the block sum of 2,500*l.*, in full of all past and future claims respecting the abovementioned arrangements, and in compensation for loss of the office which Mr. Ryland originally held."

Against the inadequacy of the pecuniary amount thus awarded to him, Mr. Ryland protested; but not against the other portions of the report, which were satisfactory to the justice of his claims. Shortly after this report was agreed to, the Cabinet of Lord Elgin was changed; and was succeeded by another, which denied Mr. Ryland's claims *in toto*, and declined to have anything to do with his case. He had now gone through the principal points in the claims of Mr. Ryland; but there were some incidental points which still deserved notice. And here he must call the attention of their Lordships to a memorandum recorded by Lord Metcalfe, in November, 1845, which was in itself a complete answer to the last report of the Legislative Assembly:—

"Although I concur entirely in many of the sentiments expressed by the Committee in their report of the 5th instant upon Mr. Ryland's case, I regret that I feel compelled to withhold my approval from it, as a whole, because, by approving it, I should be assenting to a principle appearing to me to be unjust, and from the adoption of which I foresee future embarrassment in carrying on the government. I am of opinion that the pledge given to Mr. Ryland by the late Lord Sydenham ought to be redeemed; and I conceive that the local government and the colony are the responsible parties, because the pledge was given for a political and public object, to enable the Governor General to affect an arrangement for carrying out the new system of government, established to meet the views then entertained in the province."

The report which Lord Metcalf thus condemned was identical with the report which the present Cabinet of Lord Elgin had warmly supported. He (the Duke of Argyll) was bound to say, that that report had not met the case either fairly or justly; for, in his opinion, the claims of Mr. Ryland were in every respect well founded. He had said, upon opening this case, that he had risen with the most painful feelings from the perusal of the documents connected with it; and those feelings referred not to this particular case only, but to considerations far more important. It was quite evident that the Canadian Legislature was not governed by those principles of justice which actuated the Parliament of England when claims like those of Mr. Ryland came before it. He did not stand alone in that opinion; for since Mr. Ryland had come to England, he had applied to various Members of Her Majesty's Government, and he (the Duke of Argyll) found that no less a personage than the noble Lord at the head of the Government had indicated opinions and expressed feelings similar to those which he had just expounded to their Lordships. In a letter dated not many months ago, the noble Premier had admitted the justice of the petitioner's claims, had expressed deep regret that he

could not fulfil the guarantee of Lord Sydenham out of the imperial treasury, and had fully recognised the obligation of the colonial treasury to redeem it, as it was given for the promotion of colonial interests. In a subsequent note, he found Lord John Russell declaring that he had read the statement of Mr. Ryland with great pain, and that he regretted that the colonial legislature did not take the same views of justice — yes, of justice: those were his words—as we did. He likewise added, that he could not find any principle on which the Government at home could be called upon to recompense those who suffered hardship from the colonial legislatures. Until the colonial legislatures took the same views of justice that we did, they could not expect to derive the same blessings from the enjoyment of liberty. He knew that there were some persons in the colonies who thought that, when they had got the paraphernalia of our system — when they had a powerless representative of the Crown, a powerful representative body, and the opportunity of dissolving the Cabinet and appealing to the electoral body on the slightest pretence, they had got thereby all the elements of liberty. Alas, that the principles of liberty should be so misunderstood! We knew better, for in all our political contests at home our principle had always been to exercise strict justice with regard to the rights of private individuals. He placed no blame at the door either of the noble Lord opposite (Lord Stanley), or of his noble Friend near him (Earl Grey), because the claims of this petitioner had not been satisfied; for he so far agreed with them, that he thought they ought to be satisfied out of the funds of the colony. It ought not, however, to be forgotten that those claims had been guaranteed by the representative of the Crown of England; and he could not, for his own part, draw a distinction between Lord Sydenham as the representative of the Crown, and Lord Sydenham as Governor General of Canada; for it was as Governor General that his Lordship represented the Crown. The individual who had received the guarantee of the Crown ought not to be allowed to suffer by it; nay, more, the Crown was bound to come forward for his relief. He hoped that in the reply to his observations, which his noble Friend the Secretary of State for the Colonies would proceed immediately to deliver, he would not retract the opinion which he had formerly expressed, an opinion which had been entertained by his predecessors in office, and by three successive Governors General of Canada, on grounds untouchable and untouched. He hoped that he would once more announce it to be his conviction that the claims of the petitioner ought to be met in a spirit of justice by the Legislative Assembly of Canada. The only transaction connected with this case which had happened since his noble Friend (Earl Grey) had been in office, was the reservation of a very considerable fund on the union of the two Canadas, out of which such claims as the present were to be paid; but it appeared that when the Act of Union was passed, no reservation whatever was made with reference specially to the claim of this petitioner; nothing whatever was said about Mr. Ryland. Under all the circumstances, therefore, he considered that that gentleman had a claim on the Imperial Government to fulfil the guarantee of the Crown.

EARL GREY felt it necessary to address but a very few words indeed to their Lordships on this subject. In fact, he scarcely deemed it necessary to say anything, as the noble Duke had not even suggested that this was a case in which the interference of that House would be of any use. He should, therefore, confine what he had to say merely to a reference to the opinion expressed by Lord Metcalfe on the subject, whose opinion, on questions of this kind, was entitled to great weight. Lord Metcalfe said—

"It has always appeared to me that Mr. Ryland's claim rests exclusively upon the engagement entered into with him by the late Lord Sydenham, which, supposing it to be valid, ought, I conceive, to be binding on the local government; but I do not see upon what ground Mr. Ryland is entitled to a pension. Holding *de facto* the clerkship to the Executive Council of Canada, he voluntarily resigned that office for another appointment, on certain conditions, and I consider that if these can be complied with, every obligation towards Mr. Ryland will be fulfilled. Under this view of the case, I have lately advanced him to a more lucrative situation than that for which he resigned the clerkship to the Executive Council. I am not at present able to say whether or not the emoluments of the new office will be sufficient to redeem Lord Sydenham's pledge for the future, or to afford compensation for the past; but I am of opinion that the local government and the colony are the responsible parties, as the arrangement was made for political purposes connected with the new system of government established to meet the views then entertained by the colony."

Their Lordships would perceive that it was distinctly Lord Metcalfe's opinion that this was not a case in which the Government of

this country could properly be called upon to make a grant; and his (Earl Grey's) own opinion was, that if Government were to apply to Parliament to make such a grant, it would establish a principle of very wide application, and one which might be attended with dangerous consequences. It was a question concerning the local affairs of the colony, and over which he conceived the Canadian legislature had exclusive constitutional control. He wished most sincerely that the local government had taken a more favourable view of Mr. Ryland's case. At the same time, by taking the course which that gentleman had done in presenting this petition to their Lordships, instead of appealing to the colonial government, he (Earl Grey) was compelled to express an opinion which he should have been glad to abstain from doing. That opinion was, that he believed the Government of Canada had been sincerely desirous of doing what they considered to be just to Mr. Ryland. Undoubtedly in British America, as well as in the United States, notions were entertained concerning the vested rights of persons holding office, very different from the notions which were held upon that subject in this country. The people in America recognised all claims founded on justice with as much strictness as this country did; but, with regard to persons holding office, all of whom were supposed, technically speaking, to hold them during pleasure — the vested rights of such persons were regarded very differently in America to what they were in England, At the same time, there was every disposition, in Mr. Ryland's case, to view his claim with indulgence, and to grant him compensation as far as circumstances would admit. It would be observed from the statement of the noble Duke, that, in the opinion of Lord Sydenham, Mr. Ryland had some claim to an office with emoluments equal to but not higher than what would have been the amount of his retiring salary, supposing the union of the provinces had not taken place, and that amount would have been 515*l.* In 1842 Mr. Ryland was appointed Registrar of Quebec, which he exchanged in 1845 for what was considered a more lucrative office—that of Registrar of Montreal. He (Earl Grey) understood that if Mr. Ryland had attended to the duties of his office personally, instead of by deputy, he could have realised a very excellent income, almost if not quite equal in amount to the fees which he had been in the habit of receiving from his former appointment. It was a singular circumstance that there was no return of Mr. Ryland's actual profits from either of those offices. But he (Earl Grey) held in his hand a return of the profits derived by Mr. Ryland's predecessor from the Registry Office of Montreal for the year 1842, which would appear to have been a more lucrative office than that of the Registrar of Quebec. Mr. Dowling in that year received 499*l.* 16*s.* 11*d.* What Mr. Ryland received as Registrar of Quebec did not appear; but since that office had been held by Mr. Montizambert the receipts had been for 1845, 210*l.* 17*s.* 5*d.*; 1846, 544*l.* 15*s.*; and for 1847, 544*l.* 15*s.*; being actually more than Mr. Ryland had a right to claim as a retiring salary. It could not be said under these circumstances, that their Lordships were entitled to take the very severe view of the conduct which the authorities of Canada had adopted as had been taken by the noble Duke. He (Earl Grey) could not pretend to pass a judgment upon the subject. It was a question upon which it was highly inconvenient that an opinion should be expressed. All he could say was, that upon the facts stated there was no proof that the authorities in Canada were disposed to deal unjustly towards Mr. Ryland. He was quite convinced that neither Her Majesty's Government nor their Lordships could usefully interfere, and that it was a question which ought to be left to the judgment and the decision of the Canadians themselves.

LORD BROUGHAM repeated the opinion which he had formerly expressed as to the hardship of Mr. Ryland's case, and expressed a hope that, after the kind manner in which the noble Earl had spoken with regard to that gentleman, he would apply his mind to the subject, to see whether some compensation could not be obtained for the petitioner.

Petition to lie on the table.

LEASEHOLD TENURE OF LANDS (IRELAND) BILL.

LORD STANLEY presented a petition from the Lord Mayor, Aldermen, and Common Council of the city of London in common council assembled, praying that clauses might be inserted to exempt the property of the Irish Society from the operation of this Bill. The petition stated that the property of this Society had always been well managed, and that the profits derived from it were devoted to educational and religious purposes; and that, in order to retain effectual control

over it, their practice was to lease it to the tenants for a certain number of years, such leases being renewable in all cases where the conditions of the original lease had been strictly kept; and they complained that to compel them to convert these leases into perpetuities would deprive them of that necessary control.

The EARL of WICKLOW had, when the question of the Irish Society had been brought under consideration in previous stages of the Bill, objected to the amendments proposed to meet this case; but, since then, he found that a clause had been introduced to protect the property of one individnal from the operation of the Bill, and, though he was not disposed to think that every proposition for exempting any particular company or individual should be adopted, yet as the change had been made for the benefit of one person, he did not see how it could be refused when demanded by others whose case was equally strong. Under these circumstances, if his noble Friend should think fit to move that the Bill be permissive and not compulsory, he (the Earl of Wicklow) would support him.

LORD CAMPBELL, in moving the third reading of the Bill, said, in reference to what had fallen from the noble Lord opposite (Lord Stanley) as to the power which remained of enforcing covenants, he was happy to be able to call his attention to a clause which had been drawn up by the noble Earl opposite, and suggested it as an improvement in the Bill. He (Lord Campbell) thought it would be a great improvement, and the provisions of the Bill were such as ought to satisfy any society or individual. The noble Lord then read the clause, which provided that in all cases when the rent was under 50*l.*, the parties concerned should be at liberty to refer their differences to the assistant barrister of the county for arbitration. In regard to Clause 2, which referred to the exceptional case alluded to by the Earl of Wicklow, he said his noble and learned Friend the Lord Chancellor, in introducing the Bill, had his attention turned to certain cases where, under private Acts of Parliament, the power of granting leases and other privileges were enjoyed. There were one such case, at least, which he (Lord Campbell) well knew, and which the noble Earl no doubt referred to. On that individual advantages were conferred by Act of Parliament, and these advantages were very valuable. He thought, then, it would be very hard to deprive that individual by one Act of Parliament of the advantages which he enjoyed under another, and, therefore, it was that his noble and learned Friend the Lord Chancellor thought it advisable to make the case an exception. He (Lord Campbell), in the absence of his noble and learned Friend, did not feel himself at liberty to withdraw the clause; but, of course, it was still in the power of their Lordships to say whether or not this exception ought to stand. But he trusted their Lordships would allow the Bill to be read a third time. He said he should not now move the clause which he had read, but bring it up as an Amendment, when the question was before their Lordships, that the Bill do pass.

LORD MONTEAGLE wished to recall their Lordships' attention to the position in which the Bill now stood; but, first, he might state, in regard to the clause which the noble and learned Lord had read to the House, that he would not oppose it. But in regard to the second clause, the Bill, when first introduced, did not contain it. That clause was introduced by his noble Friend (Lord Beaumont), upon the bringing up of the report, and introduced too without explanation. He (Lord Monteagle), however, took occasion happily to suggest that it should be printed; and, now that it had been printed, he wished to call the attention of their Lordships to it. The marginal note and the clause differed in effect. The marginal note was, "no grant required to be made where owners have converted leases into perpetuity by any private arrangement." The noble Lord then read the clause. The noble Lord said the two cases were quite different: the note and the clause did not refer to the same thing. He was opposed to the clause, as introducing an exemption on behalf of a particular case, and he would reject it as breaking down the principle of the Bill. What, then, was the argument in defence of the clause? Why, that it had been introduced consistently with the good faith of Parliament, who gave this individual an assurance in regard to certain arrangements which he might make. But he must remind their Lordships that a private Act of Parliament was an unexecuted Act, which had as little to do with public Bills as his marriage settlement, or the grant of his ancestor. If they were to allow this case as an exception to the measure, then he should argue that the case of the Irish Society was very much stronger, and ought to be admitted to the

exemption which they claimed. He would say that it was their bounden duty to take care that legislation should be conducted on the principles of even-handed justice, so that there should be no preference of one case over another; and, above all, that no one within their Lordships' House should have privileges beyond others; that no Member of that House should have the express favour conferred of privileges which others beyond the bar were unable to obtain.

LORD BEAUMONT said, he should support the Bill, and he was not prepared to abandon the clause referred to, unless much stronger reasons were offered. The clause was his; the marginal note was introduced by others. But he spoke of the clause. He reminded their Lordships that when the Bill was introduced, he took the opportunity of stating that it proposed to take away the property of one man and give it to another, without giving the first any compensation. It took away the property from the lessor, and gave it to the lessee. He stated then that the object of the Bill was good; that it proposed abolishing a bad tenure, and substituting a better for it. But in doing that, in carrying out their good intentions, they must take care to do wrong to no man, to injure no one, in order to benefit another. This Bill, as it stood when introduced by the Government, was to benefit the middleman, and him only, whom it made first man in regard to the property. But, then, what compensation did they offer to the lessor? They found the lessor as he was situated at present, in possession of fines leviable at every renewal of the lease, and they proposed to convert these fines into a fee-farm rent; but they did not propose to give anything for the value of the reversion. It was to meet this defect in the Bill that he had introduced the sixth clause, which provided that compensation should be given for the reversion. He said, in regard to the exceptional case in the second clause of the Bill, that it stood upon the good faith of Parliament. Parliament had granted to a private individual the power of commuting leasehold into fee-simple, on terms such as were contained in the Act, and for the reason that this person could deal with his property in that way to greater advantage. He accepted the terms offered him by Parliament; he accepted the assurance granted him; and he went and dealt with his property on the faith of that assurance, never dreaming that he was to be deprived by one Act of Parliament of the advantage conferred on him by another. The noble Lord proceeded to contend that, in the whole works of M. Proudhon, there was not a passage which advocated so gross a violation of the rights of property as that contemplated by this Bill. It proposed to take away a man's station and position in the country as the owner of property, and, obliging him to sell, to convert him into a mere pensioner. When they were dealing with property, he recommended them not to commence with such a palpable injustice as this, or they would shake one of the first foundations and principles of all peace and order, namely, the security of property. Unless the clause, as proposed, were allowed to stand, he should certainly say "Not-content" to the third reading of the Bill.

LORD BROUGHAM reminded their Lordships that this was the last stage of the Bill. As his noble and learned Friend had proposed to introduce a very important clause, he hoped he would not press the third reading on the present occasion, but would give them time to consider it.

LORD CAMPBELL was understood to consent to postpone the third reading of the Bill until Monday.

LORD STANLEY said, he understood that the second reading of the Encumbered Estates (Ireland) Bill was fixed for Monday next. Now, that was a Bill which demanded their most serious consideration, both as respects its principle and details. Although he thought that the third reading of this Bill should be postponed, inasmuch as it required much more consideration than it had as yet received, he hoped it would not be fixed for a day when their attention would be occupied by other important business. He was of opinion that this measure should be permissive, and not compulsory; and he thought it exceedingly desirable that the Government should take further time to ascertain whether it was possible to adopt the permissive principle, and to amend the Bill in the way suggested. He wished to know whether it was intended to take the Leasehold Tenure Bill and the Encumbered Estates Bill on Monday, because he should protest against both being discussed at the same sitting, both of them being measures which required grave consideration and ample discussion.

LORD CAMPBELL said, it was his intention to take the second reading of the Encumbered Estates Bill on Monday; and, if time permitted, he hoped, considering

the present circumstances of Ireland, the noble Lord would not object to their going on with the second Bill.

Debate adjourned to Monday next.

House adjourned to Monday next.

HOUSE OF COMMONS,

Friday, June 8, 1849.

MINUTES.] NEW MEMBER SWORN.—Samuel Dickson, Esq., for Limerick County.

PUBLIC BILLS.—1° Stock in Trade; Ecclesiastical Jurisdiction; Loan Societies.

2° Joint Stock Companies Act (1848) Amendment; Chapels of Ease (Ireland); County Cess (Ireland).

Reported.—Marriage (Scotland); Life Policies of Assurance; Highways (Annual Returns).

3° Passengers.

PETITIONS PRESENTED. By Mr. Sandars, from Wakefield, for Repeal of the Septennial Act.—By Mr. Cobden, from the City of London, for Universal Suffrage, &c.—By Mr. Trelawny, from Lanreath, for the Clergy Relief Bill.—By Mr. John Williams, from Aberystwyth, respecting the Welsh Language in the Established Church (Wales).—By Mr. Haggitt, from Ardeley, Herts, against the Alienation of Tithes.—By Mr. Adderley, from Leek, Staffordshire, for Repeal of the Duty on Attorneys' Certificates.—By Sir H. Davie, from Haddington, for Reduction of the Public Expenditure, and for Postponement of the Police of Towns (Scotland) Bill.—By Mr. Plumptre, from Walmer, and other Places in Kent, for Agricultural Relief.—By Mr. Heywood, from Wray with Botton, and Roeburndale, for an Alteration of the Charitable Trusts Bill.—By Mr. Miles, from Street and Butleigh, Somersetshire, for an Alteration of the Conditions on which Grants for Education are dispensed.—By Mr. Wyld, from John Snook, 35, Drury Lane, for Inquiry respecting his Invention of a Boat to assist in Rescuing Sir J. Franklin.—By Lord R. Grosvenor, from Clerkenwell, Middlesex, against the Friendly Societies Bill.—By Mr. Fergus, from the Royal Burghs of Scotland, for an Alteration of the Municipal Corporations (Scotland) Act.—By Mr. Alexander Hastie, from Glasgow, for Reform of the Parochial Schools (Scotland), and against the Registering Births, &c. (Scotland) Bill.—By Mr. Masterman, from Blackfriars, London, respecting Assessment to the Poor Law.—By Mr. Henry Drummond, from the Wandsworth Union, for a Superannuation Fund for Poor Law Officers.—By the Earl of Lincoln, from Lanark, against, and by Mr. Gibson Craig, from Edinburgh, for an Alteration of, the Public Health (Scotland) Bill.—By Mr. Cowan, from Edinburgh, for Inquiry respecting the Roads and Bridges of Scotland.—By Mr. Henry Berkeley, from Bristol, for an Alteration of the Sale of Beer Act.—By Mr. Bass, from Derby, for an Alteration of the Small Debts Act.—By Mr. Alderman Humphery, from Southwark, against, and by Sir Charles Douglas, from Finsbury, in favour of, the Removal of Smithfield Market.—From Salisbury, for referring International Disputes to Arbitration.

THE NATIONAL SOCIETY.

MR. W. MILES said, that seeing the right hon. Gentleman the Secretary of State for the Home Department in his place, he wished to know whether his attention had been called to the report of the annual meeting the other day of the National Society, at which the management clauses came under discussion? The Archbishop of Canterbury presided, and, after eight hours' debate, certain resolutions, upon which he would found a question, had been almost unanimously adopted. It was moved by Archdeacon Manning—

"That this meeting acknowledges the care and attention of the committee in conducting the correspondence pending with the Committee of the Privy Council on Education, and regrets to find that a satisfactory conclusion has not yet been attained. Secondly, that while this meeting desires fully to co-operate with the State in promoting the education of the people, it is under the necessity of declaring that no terms of co-operation can be satisfactory which shall not allow to the clergy and laity full freedom to constitute schools upon such principles and models as are both sanctioned and recommended by the order and the practice of the Church of England. Thirdly, that in particular they should desire to put the management of their schools solely in the hands of the clergy and bishops of the diocese."

Now, his question was this, whether these resolutions having been carried by a society which must be supposed to represent exclusively the Established Church, the right hon. Baronet was prepared to accede to propositions so distinctly enunciated, and carried almost unanimously?

SIR G. GREY said, that he had received no information whatever of the proceedings of the late meeting of the National Society, except what was derived from the reports in the newspapers and from private sources of information. The hon. Member had given notice for the production of all the correspondence which had taken place on the subject, and as that would be laid upon the table on an early day, it would satisfactorily explain the positions occupied by the National Society and the Committee of the Privy Council on Education.

In reply to a further question from Mr. W. Miles,

SIR G. GREY said, that the questions had not yet come officially or otherwise before the Committee in Council, and that therefore he could not say what course the Committee in Council would take respecting any resolutions that might be transmitted to them by the Archbishop of Canterbury, as Chairman of the Committee of the National Society.

Subject dropped.

EVICTIONS AT TOOMEVARA.

MR. DRUMMOND, before the Orders of the Day were read, craved permission of the House to make a statement in defence of the character of a constituent of his, who had been attacked, personally, on a former evening by the hon. Member for the city of Limerick. On that occasion he (Mr. Drummond) had deprecated the system of attacking individuals in their ab-

sence; and since then he had received an explanation of the circumstances alluded to from the Rev. Massey Dawson, the gentleman in question. The statement of Mr. Dawson was to the effect that last year he had been obliged to evict 12 tenants, who owed him upwards of 600*l*. That one of them had had a large farm, from which he (Mr. Dawson) could not only obtain no rent, but upon which he had to pay the poor-rates for two years. That the present ejectments were on lands held by two middlemen, named Carthy and Law. That Carthy had been ejected two years ago for arrears of rent amounting to 400*l*.; and that Law owed five-and-a-half years' rent. The statement went on to describe the people evicted as lawless people, who received outdoor relief in the day, and plundered the neighbourhood at night; and that the writer considered it a duty he owed to society, as well as to himself, to break up the combination of villany that existed in that part of the county of Tipperary.

MR. J. O'CONNELL said, though the hon. Member for West Surrey was under a mistake in attributing the attack upon Mr. Dawson to him—the hon. Member for Tipperary having been the Member who made it—he would, nevertheless, take upon himself to reply to the hon. Member's statement. It would be perceived by the House that the facts were not denied by Mr. Dawson; he admitted, on the contrary, that 500 or 600 persons were turned out of their homes, and their houses levelled to the ground. It was an aggravation of the injury and wrong on the part of the rev. gentleman to call these poor people a nest of thieves and murderers. That was charitable in a minister of God. A great number of these poor people had got unstamped receipts for their rents from Mr. Dawson's agent, Mr. Richard Evers Wilson; and those who knew anything of Ireland knew very well that this circumstance enabled the landlord to eject them at a moment's notice. He (Mr. J. O'Connell) had no doubt that a great number of the poor of Ireland were driven to theft and the commission of crime; and he only wondered there were not more of them, such was their frightful misery. He held, however, in his hand the strongest testimony of the good conduct of the people more immediately in question from the clergyman of the district.

SIR W. SOMERVILLE had received a communication from the Nenagh board of guardians in reference to the case, signed by Captain Browne, in which it was stated that the necessary notices had been served on the relieving officers of the union, and that the board had agreed to advance these poor people some small allowance in ready money previous to giving them outdoor relief. The ablebodied among them had been directed to go into the workhouse, but none of them had done so up to the date of that communication. The relieving officer, however, had visited them regularly, and he said their wants were attended to.

Subject at an end.

THE KILRUSH EVICTIONS.

MR. P. SCROPE begged to notice the report of Captain Kennedy, the inspector, respecting the Kilrush union; in which he said that within the last twelve months 15,000 persons had been driven from their houses by this horrid system of wholesale eviction, and that 1,200 more were in process of eviction; the result being the crowding together of several families into a single room, where death diminished their number in the course of a few weeks. Considering that the Government were in some degree responsible for the lives of the people, and seeing that the Eviction Act of last year had been almost wholly inoperative, he wished to be informed whether they would not feel it to be incumbent on them to introduce some measure to strengthen that law with a view to put an end to evictions which were a disgrace to this country in the eyes of Europe.

MR. J. O'CONNELL begged to observe that his hon. Friend had understated the case, for not only had the 15,000 persons been evicted, but the 1,200 also. There was no future tense in the matter: it was already a *fait accompli*. He therefore hoped the House and the Government were prepared to take some step to save the people of Ireland from such unheard-of cruelties, and the nation from the stain of sanctioning them.

SIR G. GREY was not surprised that the evictions which had taken place in the Kilrush union should have attracted the attention of the hon. Member for Stroud. When, however, the hon. Member said that the Act of last Session was inoperative, he should remember that it was not passed to prevent evictions in cases of breach of engagement or nonpayment of rent, but to check illegal evictions, and to

mitigate the cruelty which had in that respect been practised previously to the passing of the Act. That Act provided that notice should be given of intended ejectments, and provided temporary shelter to evicted persons. If houses had been pulled down whilst the parties were in them, for such a violation of the law there was certainly a remedy provided. He could not see how the Government could prevent ejectments by legal process. He regretted what had taken place in Kilrush; but he believed that the only remedy was to be found in the lands passing into the hands of persons capable of giving employment to the people, of maintaining themselves, and paying rent for their lands. He would not say that the papers laid on the table of the House might not call for further interference, but the subject was one of great difficulty. He might state, however, that the Government were in possession of a return of all the evictions which had taken place; and if his hon. Friend chose to move for a return of the names of the proprietor, tenant, and family, in such cases, it should be produced.

SIR R. PEEL: I am quite aware of the difficulty of applying any legal remedy in these cases, but I think it is possible that the expressions of indignation on the part of the House of Commons may have some effect in checking the exercise of the power of legal ejectment. I must say, I do not think that the records of any country, civil or barbarous, present materials for such a picture as is set forth in the statement of Captain Kennedy. I presume that statement is correct, contained, as it is, in a public and official document, presented by the Executive Government by order of the Crown, for the consideration and guidance of Parliament in their proceedings, and emanating from a gentleman, an officer, I believe, in Her Majesty's service. That statement, therefore, I presume to be of unquestionable veracity. Captain Kennedy says, that in one union, at the time of the famine, and in one year, 15,000 persons had been driven from their homes; and he states that after the exercise of that power in one year, it would hardly be credited that within the last month there have been 1,200 additional cases. He then proceeds to give individual instances, and, in showing the consequences of these evictions, mentions three facts. And three such tragical instances I do not believe were ever presented either in point of fact, or as conjured up even in the imagination of any human being. He states that he personally saw this dreadful state of things. He went into a wretched house (I forget whether it had a roof or not), which had been taken possession of by a father, a mother, and two children. The father was lying dead; the woman was in a hopeless state of dysentery and about to die; and the two children were lying fast asleep on the corpse of their father. He next mentions the case of a woman suffering from dysentery, and states that the smell of dung in the wretched hovel she inhabited was so offensive, that it could scarcely be approached. The third case he mentions is that of a man employed in breaking stones. He saw that man suddenly seize on the remnant of a pair of shoes, and run across a heath. He followed the direction the man took, and saw a fire blazing. On making inquiry as to the cause of it, he was told that upon the man being driven from his home, he had occupied a still more wretched hovel of his own construction, and that it was his last place in which he had sought shelter that had been set fire to, in order to get rid of him. Such are the three facts which Captain Kennedy relates. I do not know whether the law can provide a remedy, but the mention of such facts may have some effect in checking these evictions, more especially if it is known that the recitals are heard with an expression of the deepest abhorrence by the House of Commons.

MR. J. REYNOLDS observed, that it would be difficult to exaggerate the evils of the present system of ejectment in Ireland. By a return dated the 19th of February, 1849, of the number of ejectments in the Courts of Queen's Bench and Exchequer in Ireland, in the three years from Hilary Term 1846, to Hilary Term 1849, both inclusive, the following ejectments took place:—

	No. of Actions of Ejectments.	No. of Persons Evicted.
1846 ...	4,671 ...	19,864
1847 ...	10,857 ...	51,233
1848 ...	16,385 ...	68,456
1849 (the first quarter)	4,707 ...	19,771

So it appeared that during the three years there were 160,000 persons ejected for nonpayment of rent, or for overholding. In such a state of things how was it possible that the country could be peaceable or tranquil?

COLONEL DUNNE, as an Irish landlord, expressed his abhorrence of these ejectments, which were as injudicious as they were cruel. He trusted that the right hon. Gentleman the Chief Secretary for Ireland would institute an inquiry as to the names of the gentlemen who authorised those ejectments.

MR. STAFFORD could not but think there was one set of persons to whom the attention of the House had not been directed in reference to this subject. The county in which these scandalous occurrences took place was one where the famine had been very severe, and where the system of public works had been in the fullest operation. All the evils with which it pleased Heaven to visit Ireland, and which had been aggravated by the benevolent intentions but mischievous legislation of the House, had been there concentrated. It was one thing for a landlord with a competence, and another for a man who was engaged with his tenants in a struggle for life, to perpetrate such cruelty. There were districts in Ireland where there were landlords with whom it was not a question of the comforts, luxuries, or even decencies of life, but who were absolutely deprived of animal food, and depended for support solely on Indian corn. The law wisely compelled landlords to pay rates for tenants whose rents were under 4*l*. But landlords, whose property in consequence became liable to heavy rates on account of tenants who did not pay their rents, found themselves in a worse condition than if they had had no estates at all. He stated these circumstances, not in excuse, but in extenuation of their faults. At the instigation of the hon. Member for Stroud, the Government had introduced a measure which required that not less than forty-eight hours' notice should be given before a tenant was removed; but the Act omitted to fix a maximum period of giving notice, so that those landlords who desired to effect wholesale evictions would give one week's, one month's, or it might be six months' notice; and the notices under those circumstances became a dead letter altogether. When, two years ago, he and his friends warned the House and the Government of what would come to pass, told them they were putting temptations in the way of the landlords stronger than human nature could bear, and urged them, by diminishing the area of taxation, to make it the interest of a landlord to improve his estates rather than eject his tenantry, they refused to listen, and discredited the predictions then made. And when 15,000 people had been put out of their holdings in that country, where electoral divisions were five times the size of English parishes, and where the contest between two landlords was too often which should quarter his tenantry on the other, that House must share the blame with the landlords, and remember that by their legislation they had exposed those men to temptations too strong for human nature to bear. Though a commission had been issued to deal with the question of the area of taxation, they must take care that they did not continue the evil they professed to remove. They would belie their expressions of sympathy for the unfortunate people in Ireland if they persevered in the course they had hitherto taken, and were only driven to reduce the area of taxation, when they reduced it practically, in vain, because too late and too reluctantly.

MR. E. B. ROCHE said, that the hon. Member for Northamptonshire had waxed very eloquent on the temptations to which he alleged that the legislation of that House had exposed the rich. When the hon. Member referred to the present horrible state of matters in Ireland, he rather stretched a point in attributing it to the want of a townland area of taxation. The House and the country were much obliged to the right hon. Baronet for the sympathy he had just expressed for the unfortunate people who had been evicted, but landlords must take proceedings to protect their families from destitution. He believed that much of the suffering under which Ireland now laboured, was owing to the poor-law, which had disheartened and driven out of the country those proprietors who would otherwise have found employment for the labouring poor. At present Ireland had a surplus population. There were four times the number of labouring poor in Ireland that there were in England. It was therefore necessary to have the colonisation principle resorted to, and the industrial resources called into action. Why not encourage railways? He rose principally to say, it was not by townland rating or a different system of poor-laws that the existing evils of Ireland were to be cured, but by the development of her industrial resources.

MR. H. HERBERT remarked, that the hon. Gentleman who had just sat down, had affirmed that the question which was

now before the House had never been fairly met. He feared that if it had not been fairly met, the circumstance was more owing to the hon. Gentleman's absence from the House, than from any other cause. If the hon. Gentleman had been in his place as often as others, both on his own side of the House, and on that which was opposed to it, he (Mr. Herbert) believed that he would have found no reasonable cause of complaint of inattention to Irish interests. He was ashamed to say, whenever Irish questions were before the House, Irish Members were among the last to take a practical interest in them.

Mr. GRATTAN said, the simple question was this, that by the legislation of that House they had ruined Ireland. This was an answer to the right hon. Baronet's speech. The bad laws of England had made the Irish people bad. One class of the Irish people at this moment looked just as if they had come out of their graves, the other just as if they were going into them. He hoped hon. Gentlemen would consent to throw over the 4*l.* clause, and to abolish the Gregory clause. The Incumbered Estates Bill was intended as a remedial measure, but it would effect no good. Landlords with 3,000*l.*, 4,000*l.*, or 5,000*l.* a year, were without the means of raising one shilling of rent. What did Government mean to do with the island? He was quite at a loss to understand. What was the use of sending agricultural lecturers into Ireland, where a man could only get 20*s.* a barrel for his flour, and nothing for his cattle? It was idle to think that the Bill before the House would afford relief. It was said the landlords ought to give the people employment. How could they do that when they could get no rents? He would not trouble the House further: the case was hopeless. He was not hostile to British connexion, but he was hostile to British legislation. The Duke of Buckingham had ruined the county of Longford. The Irish poor came over to this country to look for work, and they went back to Ireland in rags. When asked what success they had, they replied, they had gone to Birmingham and Manchester to get work, but had been sent back to Ireland by the authorities there. This was the charity of the hon. Member for Manchester: that was the Bright humanity. They took away the absentee rents, and that was the cause of much of the distress and want that abounded. It was all nonsense; the people could not live on the rate in aid. He told the House over and over again, when the Irish poor-law was passing, that it would be the ruin of Ireland. Mr. O'Connell said, if they passed that Bill, they might go all round Ireland, and write upon every house in it the words "poorhouse." That had actually been verified. It was Irish poverty that was supporting Irish population. The House passed the law, and then they followed it up by driving away all the honourable and high-spirited men from the country; and now they had nothing left but famine and fever. He would tell his hon. Friends there was a danger coming they did not contemplate. It was idle to talk about the landlords of Ireland not having done their duty. The English landlords had not done their duty to the Irish people. Let them strike at the root of the evil, and employ their 40,000 soldiers to drive back the absentee landlords. They would not much longer recruit their Army with Irishmen. Government ought to be on their knees at the bar of that House to answer for their misdeeds towards Ireland. There was nothing now but famine and fever in Ireland. He had run away from the country, being unable to bear the exhibition of misery and poverty which he witnessed. He had ordered his dinner to be given to the poor instead of eating it himself. Mr. O'Brien was wrong; he began too soon. Had he waited, there would have been a real insurrection, which would have exploded and shaken the very curtains of Her Majesty's bed in the dead of night. Their houses had been turned into hospitals; and in the south of Ireland there were landlords who not only had not a shilling, but who were restricted with the ladies of their families to 2lb. of meat in the week. Other nations were crying out against this country for what was occurring in Ireland, and allusion had been made to the subject in the Assembly of France. Men were quitting Ireland for America with sentiments of hostility towards the British Government. A man who held land of him at 25*s.* an acre said to him, as his landlord, "Let me go to the land of liberty. Let me no more see the titheman and the taxman." He prayed to the God of mercy that he might be pleased to instil into the mind of this Legislature some plan by which his country might be saved from ruin, and Great Britain itself from ultimate danger.

Mr. LAWLESS hoped this discussion would not fail in bearing the best of fruits.

It appeared to be thought that evictions dated their origin at the same period as the Irish poor-law; but he must say, that as far back as he could carry his memory, he recollected hearing occasionally of their occurrence, and that was long before the passing of the poor-law. His principal object in rising was to ask the right hon. Gentleman the Secretary for Ireland a question with respect to two circulars, issued in the course of last year by the Irish Poor Law Commissioners to the boards of guardians throughout Ireland. The first circular explained the interpretation of the clause of the Act with respect to the allowance of relief to tenants giving up all their land with the exception of one quarter of an acre with a house upon it; and the second circular related to the construction of the clause with reference to administering relief to destitute families retaining their holdings. He now wished to ask the right hon. Gentleman whether it had been necessary to alter these instructions to the boards of guardians?

Sir W. SOMERVILLE understood the hon. Gentleman's question to be, whether or not the Commissioners had had reason to change the instructions given in these circulars. He had only to reply, that the circulars had been issued after consulting the most eminent counsel—the Attorney General of Ireland and others; and he had never heard that there had been any ground for considering them to be inconsistent with the law.

Mr. SLANEY thought hon. Gentlemen who ascribed the calamities of Ireland to the legislation of that House, ought to bear in mind that a great proportion of them were owing to a dispensation of Providence. A country where the land was so minutely divided and subdivided as was the case in Ireland, could not be expected to pass through the transition to a better state of culture under larger holdings without much individual suffering; and when the failure of the potato crop was superadded, he thought he had said enough to account for the present evils of Ireland. He wished to put a question to the right hon. Gentleman the Secretary for Ireland. At the present moment, notwithstanding the many previous advances and subscriptions made for the relief of Irish distress, he still believed that many persons in England would be willing to make a further effort to assist Ireland in her present extreme distress, if it were only known that there was in existence some regularly authorised body, constituted of trustworthy and discreet individuals, into whose hands the subscriptions might be paid. He wished to ask the right hon. Gentleman if any such body already existed?

Mr. SCULLY would undertake to answer that question for the right hon. Gentleman. A very excellent committee was at present sitting in Dublin, called the General Relief Committee of Ireland, of which the Marquess of Kildare was the president, and he was sure these gentlemen would be very glad to receive the subscriptions of the charitably disposed in every quarter. Turning to the subject more immediately before the House, he believed that the middlemen in Ireland had caused much of the evil of ejectments, and regretted that that class had had so much to do with estates in Ireland. If the boards of guardians had neglected their duty towards the unfortunate, still the Government was not on that account absolved from the obligation not to suffer the evicted families to perish. On the property of Lord Stanley in Ireland, there were eighty-nine families; and the middleman had allowed the arrears to accumulate to such an extent that it was found the people could not help themselves. The noble Lord had the people sent to Limerick, that they might be conveyed to America; and having seen that they were comfortably provided for, sent them 1*l.* per head to support them until they could find employment on landing. That was an example which it would be well for other proprietors to imitate. With regard to the evictions, the present law could not prevent the people from perishing on the roads; but let them first narrow the area of taxation, not for a townland rating, but to a moderate area, and then fix the chargeability of the tenants on the landlords, and if evictions were afterwards persevered in, it would be at the proprietor's own risk. That would be calculated to remedy the evil, for it was on the large areas that the evictions had taken place, the landlord evicting being able to shift the burden from his own shoulders. As to the allegation that the persons evicted belonged to the class of rogues and vagabonds, he could only say that his own experience went to show the contrary, and he considered that these unfortunate people had been grossly libelled.

Mr. DRUMMOND considered, that if anybody had acted wrongly in this matter, the law must take its course; that

was the proper remedy in these cases, and he did not see why particular cases ought to be brought before that House at all, when men's minds were excited. Private character ought not to be attacked in the way it had been.

Subject dropped.

POOR RELIEF (IRELAND) BILL.

Order for Committee read.

Motion made, and Question proposed, "That Mr. Speaker do now leave the chair."

SIR H. W. BARRON brought forward the Motion of which he had given notice. He observed that the property in England rated to the poor was much underrated at 67,000,000*l.*; its real value, judging from the income-tax returns, was probably over 100,000,000*l.* This rendered the disproportion between the property of England and Ireland still greater. The amount of real property rated to the poor in Ireland was 13,000,000*l.*; but at present, according to the testimony of Mr. Griffiths and Mr. Stuart, who were examined before the Poor Law Committee, it was not more than 10,000,000*l.*; so that for every 5*l.* of rateable property in this country for the support of the poor, there was but 1*l.* in Ireland for the same purpose. The evidence given before the Committee showed that the poor-law had broken down property—that it had caused wholesale evictions—that it had caused land to be laid waste—that it had caused crime to increase—and that the moral condition of the people had greatly deteriorated. England herself had been nearly crushed by the poor-law, until numerous amendments had been made in it. Was it to be wondered at, then, that Ireland had completely broken down? When it was first introduced into Ireland, the late Mr. O'Connell, a person who knew Ireland better than any man who ever set foot in that House, foretold that the property of Ireland would break down under the poor-law, and that the rich would be reduced to the level of the poor. That prophecy was progressing towards its accomplishment. The present disorganisation of society in Ireland resulted from the operation of the poor-law, as proved by the testimony of the witnesses. Mr. Kincaid, an extensive land agent, gave evidence which went to show that the working of the poor-law had the effect of preventing instead of stimulating employment. Mr. Burke, an assistant poor-law commissioner, stated that the land was deserted in several parts of the west of Ireland, in consequence of the magnitude of the rate. Several unions in the west of Ireland, and some in the south, had already become bankrupt, and the evil was already attacking the best counties of the country. What he wanted, therefore, to know was, whether they were to maintain this law, and reduce the whole country to one general mass of pauperism. Mr. Brett, a gentleman well qualified to give an opinion, stated that 50,000 acres of land were deserted in the county of Mayo, and this desertion was still going on. When he was asked what became of the people, he said that many had died, vast numbers had gone to America, some had gone to the workhouse, and others to England. He begged English Members to mark that fact. This was no mere Irish question; it was an English question, and one, too, which would materially affect the rates of this country, and the position of the English labourer, unless measures were speedily taken to put an end to the evil. Mr. Aubrey de Vere had shown that there was a great difference between the English and Irish proprietary as to the manner in which they were affected by the poor-law, inasmuch as in England property had been inherited or purchased subject to poor-rates, while in Ireland the tax was a new one, and a grievous and galling burden on those who now held the land. Colonel Vandeleur had also shown that the poor were so numerous in the union of Kilrush, that the whole of the property in the union would not support them. Mr. Twisleton had deposed to the same effect, besides stating that this law was a burden such as no English proprietors had ever experienced. Colonel Kennedy, who had given some fearful evidence as to the effects of the evictions, forcibly and truly said that the law had beggared the proprietor, ruined the farmer, and did not support the poor. He trusted the House would especially remember that fact, that the poor were not supported by this law. It was a tax which had already brought ruin on thousands, and was bringing ruin and starvation on thousands more. It was a tax which had driven the best farmers of the country to America; it had driven hundreds of thousands of the poorer people to be wanderers through the wide world, without house or home. It was a tax which had driven thousands of the population of Ireland to compete with the poor of England in the labour market of England; and it would

constantly drag down the labourer and the artisan of England to a level with the pauperism of Ireland. The inadequacy of the present poor-law system for the support of the poverty of the country, was attested by the remarkable increase that had of late years taken place in the number of criminal charges disposed of at quarter-sessions. The number of offences dealt with at quarter-sessions in 1845 was only 7,500, whereas, in 1847, it was no less than 16,446, being an increase of considerably more than one-half in the statistics of crime. This very significant fact proved either that the poor-law was insufficient for the support of the poverty of the country, or that it had a direct tendency to drive the people to the commission of crime. He believed that the former alternative gave the true solution of the case, for he found in the great majority of cases that the crimes for which offenders were now prosecuted at quarter-sessions were thefts and other crimes of a similar character, which had evidently been committed for the purpose of supporting life. If the poor-law were sufficient for the maintenance of the people, they could not be driven, as they now so frequently were, to the alternative of starving by the road side, or outraging the laws of their country. No man who knew anything of Ireland would deny that pauperism was increasing at an appalling rate in almost every union in the country. In the union of Dungarvon, where some of his property was situate, the guardians had been compelled to take six additional houses and stores for the accommodation of the paupers. The poorhouse of the union had been originally constructed only for the accommodation of 600 paupers, but it had been found so totally inadequate to the miserable requirements of the times, that six additional buildings had to be engaged, and there were at the present moment seven different establishments for the accommodation of the poor in the union of Dungarvon, and the number of paupers on the books was 4,500. In the union of Waterford, the poorhouse had been originally constructed for the accommodation of 900 paupers; but it was found necessary to procure three additional establishments, and the number of paupers receiving indoor and outdoor relief at the present moment was no less than 5,000. A state of things equally disastrous prevailed in the union of New Ross, where the guardians had recently to admit 300 fresh paupers in the course of two days. In fact, the pressure on the poor-rates in all parts of the country transcended all belief, as it exceeded all endurance. In some unions not only were the workhouses crowded to suffocation, but the number of paupers receiving outdoor relief varied from 22,000 to 12,000. Where was this to end? 1,600,000*l.* was raised in Ireland last year for poor-rate, and 800,000*l.* still remained uncollected. To such a pass had things come in some of the unions, that the relieving officers of the districts were obliged to be placed on the roll of paupers, for the guardians, having no money at their disposal wherewith to pay them, could only offer them pauper rations as remuneration for their services. In a word, the poor-law had broken down because there was not sufficient property in the country to support its poverty. From a return which had been recently placed on the table of that House, it appeared that it had been found necessary to employ an armed force of (between military and police) 8,500 men last year to collect the poor-rate. Was that a wholesome or legitimate mode in which to employ the military and police of this great empire? He had himself known many instances where military officers, who were engaged in such services, had been so moved to compassion by the distressing scenes they were obliged to witness, that rather than seize the last pig or cow, or it might be the bed or table of the wretched peasant whom they were called out to distrain, they subscribed amongst themselves the requisite sum, and, handing it over to the collector, withdrew their men. He told it to their credit. Many and many a time had they expressed to him their opinion, that it was disgraceful to the British name, that the British army should be employed on such missions. The Irish Members had foretold the breaking down of this law; but they were outnumbered, and their vaticinations were derided. Out of a House of 658 Members, the Minister could reckon on 553, and the Irish Members were left in a paltry minority of 105. However, they had done their duty. They had raised their voices energetically against this pernicious enactment. They had forewarned the Government that the law would break down, and it had broken down most signally. Other property, as well as that at present assessed, ought to be called on to assist and lend its co-operation, so that the law might, if possible, be made to work. He was prepared with three prac-

tical suggestions. In the first place, let the arrangements respecting medical relief, and the education of the pauper children in the workhouses, be placed on the same footing in Ireland as in England. Why should they in England, which was the richer country, charge a portion of the expense of medical relief and pauper education on the Consolidated Fund, and refuse to adopt the same practice in Ireland, where the people were steeped to the lips in poverty? The claim of Ireland to have the same rule applied to her was stronger at the present moment than it had ever been before, for they ought not to forget that by the abolition of the corn laws they had materially impaired the prosperity of a people who were purely agricultural, and who, unlike the English, had nothing but the land to depend upon. In the second place, he would suggest that an income tax be levied on all property in Ireland not rated at the present moment to the poor-rate. He knew a landed proprietor, brother to the hon. Member for Cavan—in a word, Lord Farnham—who last year paid 10,000*l.* in poor-rates, out of an income of 18,000*l.* a year. Now, on what principle of justice, equity, or religion—on what principle of common sense or common justice—should Lord Farnham be called on to pay 10,000*l.* a year for the support of the poor of Cavan, while the Lord Chancellor of Ireland, with an income of 8,000*l.* a year, paid nothing? Surely it could not be contended that Lord Farnham had a stronger interest in the preservation of social order, and the infrequency of crime, than the Lord Chancellor? It was no objection to his proposition to say that it was not the law of England. The countries were differently circumstanced, and now that they were about to make a new law for Ireland, they could not do better than introduce such a provision. It was the law of Scotland, and every consideration of equity and justice recommended that it should be made the law of Ireland as well. It was in the last degree unfair, dishonest, and inequitable, that they should press on one species of property alone in Ireland for the support of the poverty of that country. In the third place, he would suggest that a well-devised system of public works be at once introduced. This was a recommendation which had been strenuously advocated by Sir Charles Trevelyan, Sir John Burgoyne—both Englishmen—and the commissioners appointed under Lord Devon's Commission. They had, one and all, recommended that improvements in agriculture should be introduced; that railways should be promoted; and that a well-selected system of public works should be instituted by means of advances from the imperial exchequer. It was idle to attribute the present miserable condition of Ireland to any incapacity or inaptitude in her people. Of such imputations, Mr. Mills, an English gentleman, who, he believed, was never in Ireland, had satisfactorily disposed. "Indolent and *insouciant* they of course will be," said Mr. Mills, "when they derive no advantage from forethought and exertion." He begged to apologise for trespassing on the attention of the House, implored of them to adopt some effective measure for the regeneration of Ireland, if not for the sake of that country, at least for their own, for they might rest assured that if Ireland were to fall, she would drag England into the same gulf with herself.

Amendment proposed—

"To leave out from the word 'that' to the end of the Question, in order to add the words, 'the property at present rated to support the Poor in Ireland is totally inadequate for that purpose; that in England there are sixty-seven millions of property rated to the Poor, the population being about fifteen millions; whilst in Ireland there are only thirteen millions of property rated to the Poor, with a (much poorer) population of about eight millions: showing nearly three times more property in England per head to support the Poor than in Ireland; that, therefore, it is necessary to consider whether other means for support of the Poor of Ireland ought not to be provided, in order to remove the extreme pressure which is now crushing down the ratepayers in that country, and checking the energies of all employers and capitalists.'"

Sir W. SOMERVILLE said, that it was quite unnecessary for his hon. Friend to make any apology to the House, for there was no Member of it who must not feel deeply interested in the present condition of Ireland; and certainly no Irish Member could feel indifferent to the unfortunate social prostration to which the industry of that country had been reduced. He did not know whether he should interpret the speech of his hon. Friend correctly, if he said that his hon. Friend's remarks went to the entire repeal of the Irish poor-law. His hon. Friend had drawn a lamentable picture of the social condition of Ireland. He had alluded to the distressed condition of the gentry, to the rapidly deteriorating resources of the farming population, and to the frightful state

of the paupers who were now supported under the poor-law; and having drawn that picture, he said, "Look to what your poor-law has done for Ireland." He did not think, therefore, that he put an unfair interpretation on that speech, when he said that it went to recommend the repeal of the Irish poor-law. But when his hon. Friend alluded to the distressed condition of all classes in that country, he thought it might fairly have been asked if that state of things might not have been attributed to the melancholy fact, that Ireland was now in the third year of one of the most frightful famines that ever visited, not only Ireland, which had unfortunately suffered severely from similar inflictions, but any other country in the world? He would ask whether it was possible that a country could go through such a visitation without suffering severely in all its interests? Such being his opinion, he would not go at any length into a reply to the arguments of his hon. Friend. His hon. Friend said—"Look to what the poor-law has brought us—look to the distressed condition of the country." But he would ask him this question—what would have been the situation of Ireland, bad as it now was, if there had been no poor-law at all? He owned that the condition of Ireland was distressing, and that all classes there were groaning under the visitation which had befallen her; but he should never regret having voted for a law which had enabled us to mitigate the evil, for if we could not do all, we were bound to do everything we could. He was one of those who thought that there might be improvements made in the existing law, which would enable us, if not to meet all the difficulties which presented themselves, to bear their pressure better than we were able to do now. He was, therefore, most anxious that the House should go into Committee in order to consider the Bill which was now before it, and in a spirit of mutual forbearance to endeavour so to frame enactments as to meet the difficulties occasioned by the existing law. It was with that view that he wished to abstain now from noticing debateable topics, though, perhaps, they might be forced upon him hereafter; but he begged his hon. Friends to believe that he was not indifferent to the misfortunes which they had undergone, and that he felt every sympathy for the difficulties in which they were placed. Neither should he allude much to the evictions which had taken place, and which his hon. Friend had also attributed to the poor-law. Indeed there was scarcely an evil which afflicted Ireland, which his hon. Friend had not attributed to the operation of that measure. He believed, however, that these evictions were not occasioned by the poor-law. Evictions had taken place, as was observed by the hon. Member for Clonmel, in Ireland for many years, and to a very large extent; but public attention had been lately drawn to the point, by the circumstances connected with the operation of the poor-law. He did not mean to say that the pressure of rates and the distresses of the country might not have caused a larger number of evictions than usual hitherto, but he did not believe that the poor-law itself had been the prime moving cause. Neither did he believe that these evictions had been caused by a large area of taxation. He did not say that a small area of taxation would have caused evictions, but he did not wish to enter into these debateable topics; and he would only state his belief, that evictions were greatly increased by the famine and the distress which had fallen on Ireland. His hon Friend said, that the increase of crime in Ireland was also to be attributed to the poor-law, and he quoted certain statistics in support of his views, beginning from 1845. But did it not strike his hon. Friend, that, having taken the year preceding the famine, a more natural deduction would have been that the increase of crime was caused by the famine?

SIR H. W. BARRON explained that what he stated was, that the poor-law had failed in supporting the poor, and therefore crime had increased.

SIR W. SOMERVILLE thought that his hon. Friend's conclusion was a *non sequitur*. No doubt there had been an increase of crime in Ireland, but that had been caused, like many evils of which he had spoken before, by the famine, for there was no statistical fact better known than that crime increased in proportion with the misery of a people. It was not fair, therefore, to say, that because crime had increased since the famine commenced, the increase of crime was to be attributed to the poor-law. His hon. Friend proceeded to propose his remedies, and first of all he proposed an income tax. He hoped that the House would not now re-debate that question, which had already been very fully discussed in the course of the Session. Then his hon. Friend proposed that a certain proportion of the expenses of poor-law

relief in Ireland should be borne by the Consolidated Fund, in the same manner as certain expenses of poor-law relief in England were borne, which his hon. Friend seemed to say formed part of the bargain made by the right hon. Baronet the Member for Tamworth when he introduced the measure for the repeal of the corn laws. He should not enter into the question whether any portion of the expense of administering relief under the poor-law ought to be borne by the Consolidated Fund; but the statement made by his hon. Friend was certainly correct. It was the understanding, or bargain, if his hon. Friend liked to call it so, when the corn laws were repealed, that a certain portion of the poor-law medical relief—he believed one-half, the entire payment of schoolmasters, and the charge of the maintenance of prisoners in gaols, should, in England, be borne by the Consolidated Fund; and that in Ireland the remaining part of the charge for the constabulary, half of which was paid before out of the Consolidated Fund, should be defrayed from that source. His hon. Friend had also alluded to public works, and had stated how desirable it would be to spend a large sum of money in that manner. He would not say anything further on that point; there could be no doubt that a great deal of good would accrue from developing the internal resources of Ireland; but the question of any extraneous aid that could be given to lighten the pressure on the rates, should always be kept perfectly distinct from the administration of relief under the poor-law. His own opinion was strong upon that point, and he hoped that Parliament would not sanction the mixing up with the administration of the poor-law of any system of extraneous employment. He hoped that his hon. Friend would not press his Motion to a division, and that he would allow the House to go into Committee as soon as possible, in order that they might consider the different clauses of the Bill.

COLONEL DUNNE said, the question raised by his hon. Friend the Member for the city of Waterford was perfectly plain —namely, whether the property at present rated to the poor in Ireland was sufficient to support the poverty of the country. No one who had seen the returns laid before Parliament on the subject, could entertain a doubt that it was not sufficient. The sums collected, both in Ireland and in this country, from public and private sources, were enormous, but they had fallen short of what was necessary for the support of the poor. It was not likely that the demand would be less this year, nor was there much chance of any additional support from this country. Whence, then, was extraneous aid to be sought to make up the deficiency? Mr. Twisleton, in the clearest manner, said that it should come from the national resources. It was said that Irish property ought to support Irish poverty: but this was impossible, unless they restored to Ireland her own resources. A large expenditure was maintained there, totally unnecessary for the wants of the country. The poverty of Ireland was caused by the legislation of that House, not all of recent date, though the legislation of modern days had tended more, perhaps, to the impoverishment of the country than that of former periods. Sixty-four per cent of the population of Ireland were engaged in agriculture, and there could be no doubt, whatever might be thought of the merits of the measure in reference to England, that the repeal of the corn laws had inflicted deep injury on Ireland. If that change had conferred a benefit on England, this only gave Ireland a greater claim to some recompense at their hands. It was said that if prices had kept up during the famine, the sufferings would have been greater. This might be, but it was not the cheapness of corn which injured Ireland, but the loss of the monopoly which she used to enjoy. Every step in Irish legislation since the Union, had operated disadvantageously in Ireland. Part of the expenditure was said to be on account of the colonies, but from these Ireland derived no advantage. In the space of one year more money was sent home from America by emigrants who had gone out there from Ireland, than had been received for a considerable period from the colonies. The evidence taken before the Committee on the Irish poor-law, showed that it would be impossible for Irish property to support Irish poverty. The liabilities to which land was subject in the county of Clare, amounted to 18*s.* 4½*d.* in the pound; and the same might be said of many other counties. It had been asked what Ireland would be if the poor-law had not existed? In his opinion, it would have been in a much better state if it had not had the present poor-law; not that he was disposed to maintain that that law alone had caused all these evils, but it had, without doubt, greatly aggravated them. Government was bound to admi-

nister relief in the most economical manner; whereas the expenditure under the present law was conducted in the most wasteful spirit. Had it been otherwise, Ireland would not have been saddled with her present burdens. One of these burdens by which Irish property was oppressed, was the repayment of advances for the works undertaken during the famine. In 1846, no less than 4,800,000*l.* was appropriated to relief works; but, from a calculation he had made, he found that, supposing every person employed received 10*d.* a day—which was much above the average, many of the persons employed being women and children, who received a less amount—and allowing 10 per cent for the expenses of administration, only about 3,730,000*l.* would have been expended, thus leaving more than 1,000,000*l.* unaccounted for. He said, then, that if proper care had been taken in the conduct of the relief works, and in the distribution of money under the poor-law, the property of Ireland would not have suffered from the burdens by which it was now oppressed. He considered that they ought to make an entire change in the present system, and to give up all thoughts of administering the poor-law in Ireland as it was administered in this country.

MR. B. OSBORNE said, the reasons which were given by the right hon. Gentleman the Secretary for Ireland for opposing the Amendment were, that that amendment, if carried, would have the effect of repealing the Irish Poor Law. If it had that effect, he would certainly give a still stronger support to the Amendment, and vote for it with a greater good-will than he could otherwise do. He was not opposed to a poor-law for Ireland, but opposed to the present law, as totally unsuited to the country — as opposed to the habits and prejudices of the Irish people. The poor-law was inefficient, inasmuch as it did not support the poor, but made them poor indeed. The right hon. Baronet (the Irish Secretary) said the people were suffering under a three years' famine; but he held out no hope that next year the famine would not appear in an aggravated form, or that suitable means would be taken to meet the calamity. Neither the House nor the Government had taken measures to counterbalance the effects of this dreadful calamity—not from any want of disposition, but from an ignorance of the social condition of the people, and the state of the country generally. The hon. Baronet the Member for Waterford had endeavoured to prove that the establishment of the poor-law in Ireland had considerably increased the number of convictions; but he (Mr. B. Osborne) would show that there was another system in Ireland which had increased crime, oppressed the poor, and debased agriculture to its lowest level. It was a fault which he presumed to find with the legislation of England, that whilst they were endeavouring to shadow out some scheme of future good for Ireland, they neglected to apply their minds to a monstrous evil lying at their very door, and the removal of which would afford immediate relief to a great portion of Ireland. He thought he would be able to show that about 1,500,000*l.*, a sum equal to the rental of all Connaught, was lost to the proprietors of estates under the management of the Court of Chancery, and that not one sixpence of that sum was contributed towards the poor-rates, or expended in improvements. That House was aware that a Committee was now sitting to inquire into the Irish poor-law, and with that they thought proper to connect an inquiry into the circumstances of the estates under the management of the Court of Chancery. Although at first sight this might seem foreign to the subject, he thought before he sat down he should be able to prove that there was the most intimate connection between them. A Bill had been brought in this Session by one of the most able Solicitor Generals that ever sat in that House, and although he (Mr. B. Osborne) approved of its principle, yet he must say that it was a delusion to expect that that Bill would have any effect in relieving the poverty of Ireland. They had heard unlimited abuse of Irish proprietors; it was a catching subject, and easily handled. All eyes were now open to the faults of Irish landlords; but it appeared to him rather odd that when hon. Gentlemen abused that class with a copious vocabulary, they exempted from any remark the largest proprietor—the Court of Chancery in Ireland. He would show that that court, by the mismanagement of estates, was creating the greatest misery among an enormous tenantry, adding to the poor-rates, filling the gaols, and paralysing the exertions of adjoining proprietors who had the good fortune not to be under the care, or rather the curse, of the Court of Chancery. It was well known to every gentleman in Ireland, that if he passed through a district where there was unusual poverty

—where the cabins were wretched, and the fields covered with thistles, he would be told if he inquired into that state of things, that the property was under the Court of Chancery. The people of England were in the habit of preaching the doctrine of self-reliance to the struggling wretches in Ireland, who had neither motive nor power for exertion, but they never preached self-reliance to the Court of Chancery. He wanted to know whether the estates under the management of that court should not be managed on the same principles that were applied to other estates. The right hon. Baronet the Member for Tamworth had lately used those remarkable words in reference to this subject:—

"All your measures for drainage, for local improvements, and for emigration, will be ineffectual, unless you can cure this monster evil arising out of the condition of landed property in the Court of Chancery. If you could relieve those estates from the control of the Court of Chancery, you would do more for the advancement of Ireland than by any other measure you can adopt."

One of the best Lord Chancellors that Ireland ever had (Sir E. Sugden), suggested several measures of reform with respect to that court; but he was defeated in his attempt to rectify the evil. He (Mr. B. Osborne) hoped the hon. and learned Gentleman opposite the Member for the University of Dublin—a Gentleman illustrious in his profession—would give his attention to this subject, and endeavour to effect some needful and timely reform. When an estate comes under the control of the Court of Chancery, the first thing that court did was to appoint a receiver, whose sole duty was to receive the rents. He was not expected to have any knowledge of agriculture, nor even to visit the estates. So long as he screwed the greatest amount of rent out of the unfortunate tenants, he was supposed to be qualified for his office. He was paid five per cent poundage on the money he collected, and was not obliged to account to the Master in Chancery until fifteen months after passing his last account. It was, therefore, impossible to know what was the exact amount of arrears at the end of each year. His motto was, *Rem quocunque modo rem.* The estate was let to the highest bidder at a public auction, and the Master was not able to give a lease for longer than seven years, or pending the case. No tenant under the Court of Chancery was called on to pay a gale of rent until there was five months' rent due, and rent was seldom asked for before twelve months. The receiver was unable to lay out any money on the improvement of the property without referring to the Master, and the Master generally had no power to permit him. On Lord Langford's estate, in the county Meath, the receiver had been applying for nine years for leave to expend 97*l.* in deepening a river, which improvement would give an enhanced value of 60*l.* a year to the property by bringing additional land into cultivation. Last year he got the money, but the improvement could not then be carried into effect at treble the expense. In the case of O'Connor *v.* Malone, it appeared that on a farm of 250 acres, held by one tenant, there were 131 families, comprising 600 persons. The receiver applied to the Court of Chancery for assistance to enable the people to emigrate. The creditors did not oppose, but the remainderman did. After a vast deal of delay, he succeeded in getting 2*l.* 10*s.* for each family, and then they were all ejected. Instead of emigrating, however, they located themselves on the adjoining property, and became a burden on the poor-rate, to the detriment of other proprietors. This showed that the estates in Chancery were closely connected with the working of the poor-law. A return which he (Mr. B. Osborne) had moved for on the 3rd of December, 1847, and which was printed last year, gave an account of a state of things arising out of the mismanagement of the Court of Chancery, that would hardly be credited. In many instances the names of the receivers were not given in that return. The Christian name of Anthony was given for one receiver, but no surname. It appeared that among those receivers who were known, there were nine attorneys, twelve farmers, fourteen merchants, four shopkeepers, two barristers, two land surveyors, and four hundred who were styled gentlemen. Now, every one acquainted with Ireland knew that there a gentleman meant one who had no available means of meeting his liabilities. Heaven help the tenants when such were the receivers! But would the House believe it, that some of the receivers were of the feminine gender. There was a Mrs. Fitzgerald, Rosanna O'Loughlin, and Elizabeth Stokes. Some of the receivers were clergymen—men who, of all others, ought most religiously to abstain from undertaking such duties. In the case of Finan *v.* Mahon, the Rev. Hepsworth Luscombe, of a vicarage in Devonshire, was the receiver. The conducting clerk in a

solicitor's office in Dublin, having taken a bribe of 50*l.* in a case in which his employers were concerned, they got rid of him by appointing him to be the receiver over an estate, on the condition that they were to have all his law business. In one case an attorney had been appointed receiver, contrary to a general order of the late Master of the Rolls, which prevented attorneys from acting as receivers. This man had given an undertaking on his appointment that he would relinquish the profession of an attorney; but, notwithstanding his promise, he was now practising in Athlone. His wife opened a loan fund, from which the tenants on the estate were encouraged to borrow at usurious interest; and if they failed to pay, the receiver would prosecute them at the sessions. If the return to which he was referring were thoroughly sifted, it would expose a perfectly shocking system of robbery and villany in connection with the Court of Chancery. He had received a letter from an Irish gentleman, who stated that an estate of his had been in Chancery since 1806, and that during that time a single sixpence had never been expended on improving it. He said there was 1,500,000*l.* of the rental of Ireland under Chancery. He thought he might safely say that more than one-sixth of the free rental of Ireland was, technically speaking, under that court. The cost of obtaining permission to lay out money on improvements was so great, that it often exceeded the expense of the improvements themselves. The *Irish Jurist*, a paper celebrated for its ability, and whose statements might be perfectly relied upon, stated that the estate of a half-pay officer who had got into Chancery only produced 11*l.*, but the expense of appointing a receiver was upwards of 70*l.*, and the debtor actually died in the workhouse, having been ruined by the system. He (Mr. B. Osborne) would venture to say that the poor-rates in Armagh, Carlow, Donegal, Londonderry, and Monaghan, were lower than in the southern counties. What was the reason? Because in the counties he had enumerated there were only five properties in the Court of Chancery. In the county Down there was only one estate out of forty-seven in Chancery, and he would venture to say that the poor-rates there were 2*s.* in the pound less than in the southern counties. Did not these facts speak volumes? In Tipperary, Limerick, and Waterford, there were no less than 276 estates in Chancery. In Galway, Mayo, Sligo, and Roscommon, there were in Chancery 153 estates, representing a rental of 250,000*l.* a year. In Ballina there were 18 estates under receivers, and the consequence was, that the proprietors were overwhelmed with pauperism. In Skibbereen such was the poverty of the people, that they were dying by hundreds. On one estate six hundred coffinless bodies were thrown like dead dogs into two holes. But the poor were not the only sufferers by this system—Major Mahon, of Strokestown, and Mr. Rockwell, were murdered by their tenants, on the speculation that the estates would get into Chancery, and that then they would have to pay no rent at all. The present Master of the Rolls—a man celebrated for his ability, humanity, and patriotic feeling—said, when sitting in judgment last April—

> "The system of receivers is a disgrace to this country, and the country never can nor will prosper till the present receivers are removed root and branch, and the management placed under some public and responsible body."

He thought that the Government ought at once to appoint a Select Committee upon this subject. Sure he was that they had granted Committees on many a more futile subject. He would pledge himself, if a Committee were granted, to submit a plan which would have the effect of not only remedying those evils, but which would hold out a better state of things for the peasantry and tenants who were placed under the care of the horrible Court of Chancery.

MR. NAPIER concurred in much that had been said by the hon. and gallant Gentleman who had just sat down. The evils which he had so well described were dragging Ireland down into the deepest abyss of miseryand degradation; and he (Mr. Napier) therefore implored the House not to suffer the present Session to close without passing some measure for their removal. He had ascertained, during the recent recess, that upwards of 2,000,000*l.* of the rental of Ireland was now in the hands of receivers under the Court of Chancery. One of the Masters of the Irish Court of Chancery had stated that the average weekly rent of estates passing through his hands into those of receivers, was between 2,000*l.* and 3,000*l.* By a law which the House passed in 1835, power was given to judgment creditors to appoint receivers over every species of property in Ireland. That law enabled a judgment creditor, no matter how small

might be his demand, to appoint a receiver over the chattel as well as the real estate of his debtor. By such a system the social evils of the country had been infinitely aggravated. Every good and reasonable man in that House must feel the instant necessity of releasing from the management of the Court of Chancery so large a proportion as one-sixth of the whole fee-rental of Ireland. No advance of money was required to remedy the evils of the existing system. If the present machinery were put under proper control, the estates now under the management of the Court of Chancery might be pattern estates for the rest of Ireland. That was the opinion of the witnesses examined before the Devon Commission. He had it from an authentic quarter that about the year 1800, the time of the Union, the amount of rental under the control of the Irish Court of Chancery was no more than 200,000*l.* a year — and now, as he had stated, it was about 2,000,000*l.*, and was daily increasing. The usual course of proceeding adopted by a creditor seeking to recover his debt from the owner of an estate was this :—he filed his bill, and as there were no disputed facts, no answer was filed. Then came an application for a receiver. The debtor knew that his property would be ruined if it should go into the hands of a receiver, or that, at all events, he need not expect to recover its possession within any reasonable time. He therefore staved off as long as he could the appointment of a receiver; and until that appointment the owner endeavoured to get all the rent he could from his tenants, who combined with him to deprive, as far as possible, the receiver from obtaining the rents of the estate. The tenants on the arrival of the receiver were more or less demoralised by this combination, and ready for resistance. How was it possible, under such a system, to expect moral or social improvement? As soon as property came under the management of the Court of Chancery, that property appeared to be released from all duties. As the hon. and gallant Member had truly said, the late Lord Chancellor of Ireland, Sir E. Sugden, was startled by the present corrupt system of managing estates under the control of the Court of Chancery. No man had done more than Sir E. Sugden to promote useful and sound reforms in the administration of justice whilst he presided over the Irish Court of Chancery. He had introduced most useful rules in the practice of the Court of Chancery, but they had all, more or less, been evaded. A receiver was appointed over an estate, not because he was the person best fitted for its management, but because he could provide sureties for the due payment into court of what should reach his hands in the shape of rents. He was a party recommended by the plaintiff, who wished to serve him; and a clever solicitor, with a facile receiver, could easily contrive to keep the estates in their hands by making them produce no more than would pay the interest of the creditor's debt, and the expenses of managing the estates, taking care not to lay out one farthing on improvements. Eighteen months generally elapsed before a receiver was appointed after the filing of a bill; and fifteen more months elapsed before he was called upon to account; so that until the expiration of three years from the commencement of the suit, the creditor could not touch one farthing of his interest, and in the meantime the estate was allowed to fall into ruin. The receiver was not allowed to proceed for the recovery of rent until it was five months in arrear, and he was allowed to do nothing except under the direction of the Master, who could not know anything about the estate. Now, surely the rights of creditors ought not to supersede the primary duties of property; but this system delayed the creditor, injured at once the owner and the public, and did good only to those interested in an expensive management of the estate. If a receiver did anything beyond the mere collection of the rents, it was liable to be overhauled; and there were always small creditors ready to go before the Master upon such matters, with the estate liable for costs. If so large a portion of the property of the country was to be taken for the sake of enforcing the rights of creditors, surely the Court of Chancery ought to have the powers of an owner, and this property ought to be managed as under a system of good private agency. An Act was passed to encourage leases by reducing the stamp to 1*s.*; but it only applied to leases for a certain term, and every lease under the Court of Chancery was effectually excluded, nor could such a lease be obtained at a less cost than 7*l.* The receiver had to give the two years' security because of his being allowed to hold over the money for so long; and an important part of the profits of his office consisted in his turning the money to his private purposes. A

very experienced officer of the Rolls' Court was of opinion that property under the court did not upon an average yield more than two-thirds, frequently not more than one-half, what it paid under the owner's hands; and the Master of the Rolls stated that it appeared by returns that, from 1841 to 1843 (the amount would be larger if the return were carried later), an arrear of a quarter of a million of money had arisen from the bad management of estates by receivers. He (Mr. Napier) trusted, now that the House had got into this subject, they would not part with it until they had done something which would encourage hope and confidence in Ireland. The hon. Member for Middlesex had mentioned that there were two classes of receivers, male and female, and that the properties under the latter were better managed than the properties under the former. He (Mr. Napier) imagined that the latter cases would be found to be chiefly those either of minors or lunatics. Those properties were generally better managed than other properties, because the Court of Chancery had much more ample powers in such cases than in others, and could go to greater expenses for improvements. Now, he thought that they might usefully interfere with estates to which receivers were appointed for the creditors. What they required to do for that purpose was, to give to the Court of Chancery larger powers and machinery. He thought that a gentleman should be appointed as receiver master. Under him should be district receivers, to have a check over the persons appointed as receivers on properties in the various districts. The receivers should be made to give a weekly account of their receipts to the district receiver, and pay the amount received into a bank, and the district receiver should make up half-yearly an account of all the receipts of his district. The receiver master should make inquiries relative to the properties from time to time, and, by ordering such improvements to be made as might be required, bring them as nearly as possible into the state they would be in if the inheritor had the management and a beneficial interest in them. Such a measure would bring the property under more beneficial management, and cause the introduction of capital and restore confidence in the country. As they had the power to dispossess the inheritor from his estate, they ought to have the power of dealing beneficially with it—in fact, it ought to be made a model property. What was there when that property was taken, which should prevent their spending a part of the income in beneficial improvements? In Ballina there were eighteen properties in the hands of receivers, and why should not some means be taken to make beneficial improvements upon them? Why should not the Court of Chancery have the power of granting beneficial leases, and seeing that they were properly managed? If that was done, they would not read of such cases as one he had before him, in which forty-three persons were turned off the lands under an order of the Court of Chancery, the heads of the families being ablebodied men, not willing to go to the workhouse, but they were compelled to do so. There was no man of common humanity and common feeling, who, when he saw such a state of things existing as that which had been described, on a large portion of property, who would not endeavour to do something which would improve it and restore confidence among the people. He was averse to encouraging the people to look to legislation as a means of improving their condition; but he considered Parliament bound, if they could apply a remedy to a great practical evil, to do it. He thought a short inquiry into these things—even if it did not elicit any facts beyond what was known to some of them—would, on an examination of a few witnesses from Ireland acquainted with the system, prove beneficial, and enable the House to frame a measure which would tend to the improvement of these estates, and the restoration of confidence. That was no party matter, and he had no doubt that if an inquiry was made, such a Bill might be brought into operation before November next as, under the blessing of God, he hoped would be instrumental in getting rid of a great practical evil.

LORD J. RUSSELL: I rise to say only a few words on this subject, because, in fact, I have no objection to the proposal of the hon. Member for Middlesex, for an inquiry. I think the question is one of the highest importance. I think the evils referred to by the hon. Member for Middlesex, and so ably dwelt on by the hon. and learned Member who has just sat down, and who has brought his experience and knowledge of the law to bear upon the subject—I think those evils are such, that it is most desirable that, as far as we can, we should endeavour to apply a remedy to them. I should say, likewise, that the

Lord Chancellor of Ireland has for some time past paid great attention to this subject, and it is certainly no fault of his that a measure has not been introduced with reference to it before. The Lord Chancellor of Ireland had traced out a plan, which, if a Committee is appointed, shall be laid before them; he has traced it out in great detail, and I think it would be a very fit subject for inquiry by the Committee. That plan has great advantages, on the one hand; but on the other, as it seems to us, it is open to grave objections; and it has therefore been under consideration, with a view to a mitigation of the objections which have been found to it. But I think it most desirable that this question should go to a Committee, as in that Committee any of the reasons in favour of this plan, or objections to it, might be sifted. It has been said, that the plan of the Lord Chancellor of Ireland does not materially differ from that proposed by the hon. and learned Member for the University of Dublin; but I can hardly go the length of that hon. and learned Member in saying that I should expect from the appointment of public and responsible receivers, the benefits to be anticipated from leaving proprietors in the management of their own property, being resident on their property, and feeling an interest, from family considerations, in the improvement of their estates. I should rather think, therefore, that one of the objects of the Committee should be to inquire whether this system of appointing receivers, and the facilities for charging estates with debt, has not been carried too far under the law as it at present exists. Although I consider the principle just which makes the estate liable for the debts of the owner, yet I think that if the principle is carried too far, it leads to injury to the persons who may be living on the estate—the estate becoming, as it were, the interest and property of the creditor, at the same time that the creditor has not the management of the estate. I fear that no appointment of a public receiver, however well he may be selected, can compensate for the loss of a proprietor, whose hands are free, and who is able to manage his estate. That, however, is a point which might properly come under the consideration of the Committee. I think, although this subject does not immediately belong to the question before the House, that nevertheless all these questions are intimately connected together. The House has received valuable information from the hon. Member for Middlesex, and from the hon. and learned Gentleman, and therefore I do not think that we can regret that this discussion has taken place. If the hon. Gentleman will at any time move for the appointment of such a Committee, I certainly shall be ready to support that Motion; and my hon. and learned Friend the Solicitor General, who has introduced some measures on this subject, and has other measures in relation to it, will also be ready to give all the assistance in his power to any measures of which the House may approve. I think, with the hon. and learned Member for the University of Dublin, that not by one great measure, but by different measures directed to different objects, we should endeavour to rescue Ireland from the evils under which she is now suffering.

Mr. F. FRENCH wished to call attention to the fact, that the question involved in the Motion of the hon. Member for Waterford had been entirely lost sight of in the discussion which had just taken place. It ought to be seen whether the statements made in support of that Motion were correct, or whether the allegations made bore out the statements put upon the Paper. He had no wish to detain the House, but he had heard the right hon. Baronet the Member for Tamworth lay great stress on the report of the commissions, blaming the Irish landlords for the cruelty said to be practised in the eviction of tenants. He did not know that such evictions had taken place. He had no evidence that they had, and that would not be the first time that the right hon. Baronet the Member for Tamworth had quoted reports which afterwards turned out not to be true. He recollected evictions taking place which were laid upon the landlords, when in fact they were the result of a kind of Lynch law of the people. The neighbourhood had become infested with bad characters, and in order to get rid of them the houses were pulled down. That had been represented to be the work of the landlord. It was taken up by the hon. Member for Stroud, but excited little attention until the seal of the right hon. Member for Tamworth was put upon it, and a measure was introduced to put an end to such practices. It was not fair to attribute blame to the Irish landlords—the fact being that the blame was due to that House—to English statesmen who had forced a law upon Ireland (the poor-law) which her state was not fitted for. He

and other hon. Members had offered to show to the Government in 1843, when Lord St. Germans was Secretary for Ireland, that these kind of charges were not justified; and the right hon. Member for Tamworth was the last man in the House, from his means of information, who ought to bring forward such charges.

SIR R. PEEL said, that he could not silently acquiesce in the rebuke passed upon him by the hon. Gentleman the Member for Roscommon. All the regret he had to express was, that he had rather understated the case of parties in Ireland; for, on looking again at the reports, he found that he had painted it very faintly and feebly. When he believed the Irish landlords and gentlemen had injustice done to them, he had not been slow to vindicate them; but, in his opinion, the Irish Gentlemen themselves ought to be the first to disclaim any connexion with the acts to which reference had been made in the early part of the evening. He assumed that the papers laid upon the table of that House were correct. He presumed that Her Majesty's Government would not lay documents there for the guidance and conduct of hon. Members in legislation, without being themselves convinced that those documents had not been grossly exaggerated. Did he make any attacks on Irish landlords generally? Did he throw upon individuals a charge which might be justly attributable to legislation? He had indeed said, that there were particular instances cited by Captain Kennedy which should not be laid upon the table, and one day suffered to elapse without inquiring into them. It was easy to say the House of Commons was responsible for these instances. Let others do what they would, all the blame was charged upon the House of Commons; but was legislation, or any particular body, responsible for the acts he was going to mention? Was the House of Commons responsible for the following act mentioned in Captain Kennedy's report?—

"In a cow-shed, adjoining this wretched cabin, I found 'Ellen Lynch,' lying in an almost hopeless state of dysentery. She had been carried thither by her son, when 'thrown out' of her miserable lodging, and was threatened with momentary expulsion from even this refuge by the philanthropic owner of it; her only safety rested in the fears of all but her son to approach her."

Was that the fault of the House of Commons, that a woman in dysentery, driven from her cabin, had taken shelter in a cow-shed, from which she was about to be expelled by the party who evicted her from the cabin, and was only prevented from doing so by fear of the dysentery under which she laboured? Was it the fault of the House of Commons, that the only being who approached her was her son, whose filial affection overcame the fear of contagion? Did the House of Commons impose any necessity upon the landlord to evict her? No; and therefore let not hon. Members try to relieve individuals from the individual responsibility which properly belonged to them. The House of Commons was no doubt responsible for bad legislation and the results of it, but let not the House be made responsible for acts of individual inhumanity. Was the House responsible for the following case, also reported by Captain Kennedy:—

"While inspecting a stone-breaking depôt, a few days since, I observed one of the men take off his remnant of a pair of shoes and start across the fields; I followed him with my eye; and, at a distance, saw the blaze of a fire in the bog. I sent a boy to inquire the cause of it, and the man running from his work, and was told, that his house had been levelled the day before—that he had erected a temporary hut on the lands, and, while his wife and children were gathering shellfish on the strand, and he breaking stones, the bailiff, or 'driver,' fired it."

Let not this be thrown upon the House of Commons, but let Irish Gentlemen say, what they might say with truth, that these were individual cases. That would be a wiser and more becoming course for Irish Gentlemen to adopt, than to take the one pursued by the hon. Member for Roscommon, and say, that individuals were not responsible. [Mr. FRENCH: I never said that.] You said, that I ought to be the last man to take notice of these reports, and that the Legislature was responsible for what was occurring. There was one thing mentioned by Captain Kennedy, which, almost more than any other, deepened the colour of these acts:—

"I need not enter upon the financial condition of the union, which the estimates forwarded will sufficiently explain. I need only remark, that I anticipate a respectable collection this week, and for some weeks to come; but certainly not sufficient to meet more than half the current expenses of the union for food alone."

If you want anything else to awaken feelings of sympathy with those who are thus suffering, it ought to be the assurance that they are submitting to it with a forbearance and patience which exceeds belief. I do not think, Sir, I had deserved blame, or had acted contrary to the spirit

of justice to Irish proprietors, to say, on the first day after those papers were laid on the table of the House, that we should give a proof to Ireland, that such facts shall not be stated in public documents, and be buried in oblivion.

MR. F. FRENCH explained. He never said that individuals should be relieved from the responsibility of their own acts. What he said was, that the right hon. Baronet should not have attempted to place upon individuals the consequences of a state of things which had resulted from his own legislation.

Question put, "That the words proposed to be left out stand part of the Question."

The House divided:—Ayes 144; Noes 30: Majority 114.

List of the AYES.

Abdy, T. N.
Adair, R. A. S.
Adderley, C. B.
Anson, hon. Col.
Armstrong, Sir A.
Armstrong, R. B.
Arundel and Surrey, Earl of
Baines, M. T.
Baring, rt. hon. Sir F. T.
Bellew, R. M.
Bernal, R.
Blakemore, R.
Boyle, hon. Col.
Bremridge, R.
Brotherton, J.
Browne, R. D.
Campbell, hon. W. F.
Cavendish, hon. G. H.
Cayley, E. S.
Christy, S.
Clive, H. B.
Colvile, C. R.
Cowper, hon. W. F.
Craig, W. G.
Crowder, R. B.
Dalrymple, Capt.
Davie, Sir H. R. F.
Davies, D. A. S.
Dawson, hon. T. V.
Douglas, Sir C. E.
Drummond, H.
Duff, G. S.
Duff, J.
Duncan, G.
Ebrington, Visct.
Evans, W.
Ewart, W.
Fagan, W.
Ferguson, Sir R. A.
Forster, M.
Fortescue, C.
Fox, W. J.
Frewen, C. H.
Goulburn, rt. hon. H.
Graham, rt. hon. Sir J.
Greenall, G.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Guest, Sir J.
Hallyburton, Lord J. F.
Harris, hon. Capt.
Hastie, A.
Hastie, A.
Hawes, B.
Hayter, rt. hon. W. G.
Heald, J.
Heneage, G. H. W.
Henry, A.
Herbert, rt. hon. S.
Heyworth, L.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Hollond, R.
Howard, Lord E.
Jackson, W.
Jervis, Sir J.
Jones, Capt.
Keppel, hon. G. T.
Kershaw, J.
Kildare, Marq. of
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lacy, H. C.
Langston, J. H.
Lewis, G. C.
Littleton, hon. E. R.
M'Cullagh, W. T.
M'Gregor, J.
Maitland, T.
Martin, J.
Martin, C. W.
Martin, S.
Masterman, J.
Matheson, J.
Maule, rt. hon. F.
Milner, W. M. E.
Mitchell, T. A.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mullings, J. R.
Nicholl, rt. hon. J.
Norreys, Sir D. J.
O'Connell, M. J.
Oswald, A.
Pakington, Sir J.
Palmer, R.
Palmerston, Visct.
Pechell, Capt.
Peel, rt. hon. Sir R.
Peel, F.
Pennant, hon. Col.
Perfect, R.
Pilkington, J.
Plowden, W. H. C.
Price, Sir R.
Pryse, P.
Pugh, D.
Raphael, A.
Ricardo, O.
Rich, H.
Robartes, T. J. A.
Roche, E. B.
Romilly, Sir J.
Rushout, Capt.
Russell, Lord J.
Rutherfurd, A.
Sandars, G.
Scrope, G. P.
Shafto, R. D.
Sheil, rt. hon. R. L.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, M. T.
Somerville, rt. hn. Sir W.
Spooner, R.
Strickland, Sir G.
Sutton, J. H. M.
Talfourd, Serjt.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Trelawny, J. S.
Willcox, B. M.
Willyams, H.
Williamson, Sir H.
Wilson, J.
Wodehouse, E.
Wood, rt. hon. Sir C.
Wood, W. P.
Wyld, J.
Wyvill, M.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Archdall, Capt. M.
Blackall, S. W.
Blake, M. J.
Brooke, Sir A. B.
Bunbury, W. M.
Burke, Sir T. J.
Castlereagh, Visct.
Chichester, Lord J. L.
Cole, hon. H. A.
Damer, hon. Col.
French, F.
Grace, O. D. J.
Grattan, H.
Greene, J.
Grogan, E.
Hayes, Sir E.
Hill, Lord E.
Keogh, W.
Ker, R.
Macnaghten, Sir E.
Magan, W. H.
Maxwell, hon. J. P.
Moore, G. H.
O'Flaherty, A.
Osborne, R.
St. George, C.
Tenison, E. K.
Vesey, hon. T.

TELLERS.

Hamilton, J. H.
Hamilton, Lord C.
Barron, Sir H. W.
Dunne, Col.

Main Question put, and agreed to.

Bill considered in Committee; Mr. Bernal in the chair.

MR. J. O'CONNELL: Sir, after the specimen of fairness which I experienced when I was going to express my opinion on the poor-law just before the last division, there is but one course left me—either to insist upon the House enforcing justice to its Members, or by doing away with an absurd practice; and therefore, Sir, I see strangers present (waving his hat towards the reporters' gallery).

Strangers were immediately ordered to withdraw.

On Clause 1,

MR. MONSELL thought it would be advisable to take a discussion on the maximum rate on the first clause. He considered it likely that the discussion would be long, and therefore ought not to be proceeded with at so late an hour.

COLONEL DUNNE thought no progress could be made that evening.

MR. STAFFORD had meant yesterday to give notice to raise this question on the words "it shall not be lawful."

LORD J. RUSSELL hoped the hon. Gentleman would go on with his objections to-night.

MR. CLEMENTS said, many Members were opposed to the maximum rate.

MR. E. B. ROCHE did not see why, if they were to proceed, they should not proceed at once. When every one complained of the poor-law, it was waste of time not to go on.

SIR A. BROOKE thought it would be better to recall the gallery.

MR. GRATTAN had long been a Member of the House, and he had never known a case where a Member, whose speech for five minutes was not reported, should get up and deprive the public of the means of knowing what took place. He should move an adjournment in order to decide this question. When Mr. Wyndham was not reported, he did not act thus. He proceeded with his speeches. Why punish him who meant to make a good speech on that question? He confessed he was a young man, and vain, and wanted his speech reported. His (M. Grattan's) hon. Friend might not care. Don't let us make ourselves ridiculous in the eyes of the country.

MR. J. O'CONNELL said, it was of importance for the sake of others. If the House were satisfied, he could not help it. He complained of unfairness. He had seen messengers of the gallery speaking with the reporters. It might be ludicrous; but he would stand up for the right of Members to be treated fairly. He feared he must deprive his Friend of the pleasure of seeing his speech in print.

The CHAIRMAN put the question in these words, "it shall not be lawful."

MR. GRATTAN begged pardon. He had moved to report progress.

MAJOR BLACKALL proposed to go on without further waste of time. On a matter of such vast importance, they ought to go on without the reporters. Whether it would be advisable to support a maximum rate at all, was a most important question.

LORD J. RUSSELL said, the principal reason for the maximum rate was, that it would induce persons to occupy and cultivate land, giving greater means for support of the poor. Nor was this theoretical; one gentleman gave evidence that he had tried this. He had promised his tenants that when the rate come to *5s.* he would pay it.

MR. HORSMAN said, the same gentleman said that this would not do without a diminished area of taxation.

LORD C. HAMILTON was as anxious as any one to go on. He thought the noble Lord should state when the subject would be renewed, as it was impossible to finish at that late hour.

LORD J. RUSSELL said, he should take the Parliamentary Oath Bill first, on Monday; and this Bill second, if not for Thursday.

MR. GRATTAN said, as to dividing, he would do what the House liked.

Motion made, and Question put, "That the Chairman do report progress, and ask leave to sit again."

The Committee divided: — Ayes 31; Noes 163: Majority 132.

List of the AYES.

Bateson, T.	Grogan, E.
Beresford, W.	Hamilton, G. A.
Callaghan, D.	Herbert, H. A.
Castlereagh, Visct.	Hill, Lord E.
Caulfeild, J. M.	Ker, R.
Chichester, Lord J. L.	Lawless, hon. C.
Clements, hon. C. S.	Magan, W. H.
Cole, hon. H. A.	Milton, Visct.
Colvile, C. R.	O'Connell, M.
Conolly, T.	O'Connell, M. J.
Devereux, J. T.	Reynolds, J.
Dick, Q.	Somers, J. P.
Dickson, S.	Stafford, A.
Dunne, F. P.	Taylor, T. E.
Farnham, E. B.	TELLERS.
Fitzpatrick, rt.hon.J.W.	Grattan, H.
Fox, R. M.	Monsell, W.

List of the NOES.

Abdy, T. N.	Clive, H. B.
Adair, R. A. S.	Cobbold, J. C.
Adderley, C. B.	Cowper, hon. W. F.
Archdall, Capt. M.	Craig, W. G.
Armstrong, R. B.	Crowder, R. B.
Arundel and Surrey, Earl of	Damer, hon. Col.
Baines, M. T.	Davie, Sir H. R. F.
Baring, rt. hn. Sir F.T.	Davies, D. A. S.
Barron, Sir H. W.	Dawson, hon. T. V.
Bellew, R. M.	Douglas, Sir C. E.
Berkeley, C. L. G.	Drummond, H.
Blackall, S. W.	Duckworth, Sir J. T. B.
Boyle, hon. Col.	Duncan, G.
Brooke, Sir A. B.	Ebrington, Visct.
Brotherton, J.	Evans, W.
Bunbury, W. M.	Fagan, W.
Burke, Sir T. J.	Ferguson, Sir R. A.
Buxton, Sir E. N.	Filmer, Sir E.
Campbell, hon. W. F.	Foley, J. H. H.
Cavendish, hon. G. H.	Forster, M.
Cayley, E. S.	Fortescue, C.
Christy, S.	Fox, W. J.
	French, F.

Frewen, C. H.
Goddard, A. L.
Goulburn, rt. hon. H.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Greenall, G.
Greene, J.
Grenfell, C. P.
Grey, rt. hon. Sir G.
Grey, R. W.
Guest, Sir J.
Hallyburton, Ld. J. F. G.
Hamilton, J. H.
Hamilton, Lord C.
Hardcastle, J. A.
Hastie, A.
Hastie, A.
Hawes, B.
Hayes, Sir E.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heald, J.
Heathcote, G. J.
Heneage, G. H. W.
Henley, J. W.
Henry, A.
Herbert, rt. hon. S.
Heyworth, L.
Hindley, C.
Hobhouse, rt. hon. Sir J.
Hodges, T. L.
Hollond, R.
Horsman, E.
Howard, Lord E.
Howard, hon. C. W. G.
Jackson, W.
Jervis, Sir J.
Jones, Capt.
Keppel, hon. G. T.
Kildare, Marq. of
King, hon. P. J. L.
Labouchere, rt. hon. H.
Lacy, H. C.
Lascelles, hon. W. S.
Lewis, G. C.
Macnaghten, Sir E.
M'Cullagh, W. T.
M'Gregor, J.
Maitland, T.
Martin, J.
Martin, C. W.
Martin, S.
Masterman, J.
Matheson, J.
Maule, rt. hon. F.
Maxwell, hon. J. P.
Milner, W. M. E.
Mitchell, T. A.
Moore, G. H.
Morris, D.
Mostyn, hon. E. M. L.
Mulgrave, Earl of
Mullings, J. R.
Mundy, W.
Napier, J.
Nicholl, rt. hon. J.
Norreys, Sir D. J.
O'Connell, J.
O'Flaherty, A.
Paget, Lord G.
Pakington, Sir J.
Palmer, R.
Palmerston, Visct.
Pechell, Capt.
Peel, rt. hon. Sir R.
Peel, F.
Pennant, hon. Col.
Pilkington, J.
Plowden, W. H. C.
Price, Sir R.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Roche, E. B.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.
Rutherfurd, A.
St. George, C.
Sandars, G.
Scrope, G. P.
Scully, F.
Simeon, J.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, M. T.
Somerville, rt. hn. Sir W.
Spooner, R.
Talfourd, Serj.
Tenison, E. K.
Thicknesse, R. A.
Thompson, Col.
Thornely, T.
Tollemache, hon. F. J.
Trelawny, J. J. S.
Turner, G. J.
Verney, Sir H.
Vesey, hon. T.
Walsh, Sir J. B.
Wawn, J. T.
Willyams, H.
Williamson, Sir H.
Willoughby, Sir H.
Wilson, M.
Wodehouse, E.
Wood, rt. hon. Sir C.
Wyvill, M.

TELLERS.
Hill, Lord M.
Tufnell, H.

Mr. STAFFORD thought it unfortunate that this Committee on the poor-law should begin at midnight, when it could not come on again till Monday night, owing to the arrangement of the Government. The noble Lord at the head of the Government said himself that this evening had not by any means been lost, as they had had a good debate. He (Mr. Stafford) had proposed to take the objection to the maximum rate on the words "It shall be lawful." If beaten, then they meant to fight on the words "five shillings," in the 14th line, and divide on a subsequent passage. It must be a subject of great importance for Englishmen to know whence the money was to come from when the maximum rate was attained. The noble Lord said that Mr. Martin had tried this on his estate, promising to pay his tenants when the maximum rate was reached. The Premier was here Mr. Martin, and the Consolidated Fund was his estate, so that when the maximum rate was attained, the Consolidated Fund must be attacked. What stimulus was there to employment under this plan? The assumption would be, that the maximum rate would always be reached, so that as the occupier was the only person who could give employment, no stimulus would be afforded. The farmer would deal with his landlord on this assumption. We have had experience of this in England. 36 Geo. III., chap. 10, formed a precedent (he quoted from the preamble). A maximum rate is established in this English Act, but then those Gentlemen who hope there is any permanence in such an arrangement would be disappointed. Another Act was passed to double the arrangement. Then comes 52 Geo. III., abolishing the plan altogether. Agricultural prices in Ireland would fall, and the analogy with England was the stronger. The noble Lord said the maximum rate was an inducement to invest. He asked how a capitalist, looking to English legislation on the poor-law affairs, could think it safe to invest 100*l.* on Irish property, unless their legislation contained the germs of a better system? Do you think that a capitalist who had seen such vicissitudes, such fresh burdens on landed property, would trust that no further change would be proposed? What would prevent our doubling the maximum rate when the maximum was attained? Where would more money come from? You must diminish pauperism with Irish resources undeveloped. You must say to this tide of Irish pauperism, "Thus far shall you go, and no further." The Bill had no guarantee that the maximum rate would not be exceeded. It would not tell well for English reprentatives to let it be understood that the remainder should come from English resources. Eevery statement showed that poverty was increasing. The expenditure exceeded by far 5*s.* in the pound in the

distressed districts. How were they to proceed? There ought to be more openness and plain statement in the Bill. It would be recollected that the law of settlement depended upon the statement of the pauper and the allocation of the guardians. The result of the maximum rate would be to attempt great injustice to electoral divisions. One electoral division would be overburdened, and others comparatively escape. The question is, would you or would you not have the law a stimulus to employment? If farmers could thus shuffle off their burden on others, how would the end—"employment"—be attained? The noble Lord had refused to state whence the overplus of pauperism was to be relieved. There would be no security to the owners of property. The plan would mulct the industrious for the sake of the indolent and wrongful. He thus could not conceive how Parliament, believing in the duty of the rich towards the poor, could pass the Bill; yet it would pass. The House had registered the will of the noble Lord throughout. He reluctantly warned the noble Lord that the Bill contained a dangerous and fatal principle.

MR. VERNON SMITH had asked, on the second reading of the Bill, what would be the fund when the maximum rate was attained? The noble Lord at the head of the Government said, first come on the parish — then on the union—but, afterwards, there was a blank. The country was to be as it was before the poor-law, in other words, Irish poverty would have to come on English property. Against this, the noble Lord sets this, that capital would be encouraged to flow into Ireland; but what hopes were there of that? What said Mr. Aubrey de Vere —a very clear witness? The farmer would take no pains to keep down the maximum. The rate would jump up to that point at once. Estates would be taken accordingly, and pauperism would be where it was. He (Mr. V. Smith) protested against making bad laws to tempt capital into Ireland. In England all property is pledged to support the poor. Why not in Ireland? Another argument of Mr. de Vere was, that the variety of valuations in Ireland would make it still more uncertain which liabilities a farmer would incur. The measure would not introduce capital. It was merely an opinion —a theory of the noble Lord's, and would fail.

COLONEL DUNNE said, the expenditure in several electoral divisions had reached 20*s.* in the pound. The maximum rate was on a good principle. No man would take land till liabilities were ascertained. The English principle was bad, and ought not to be extended. In only two cases had the 5*s.* been exceeded. The severity of other taxes in Ireland on the farmer was another reason. No county cess would be paid, unless there was a maximum rate.

LORD J. RUSSELL said, those who had argued the question had proceeded on the assumption that there was no call for money on the Consolidated Fund. Although the western unions were liable for the whole 40*s.* in the pound incurred, yet, as the rate was not collected, what good was such a liability? Did it not cause a panic, and prevent improvement? The farmer when told that the rate would only amount to 7*s.* would calculate accordingly. He could not conceive that the farmer would assume that the rates would run up to 5*s.*, and even aid in making them run up in order to get 2*s.* out of others. This would be an absurdity. Suppose, for example, the rates were naturally only 1*s.* or 2*s.* He would have the ordinary interest in keeping down the rates. The hon. Gentleman had asked where they were to come for money after the maximum rate was obtained? Few of the divisions, in his opinion, would reach that sum. There would not be a large number of electoral divisions in which the rate would be exceeded. Things could not be left in their present condition. Rents would fall; the poor could not be relieved at all. If bad in principle, the maximum rate was better than doing nothing. He should object to advance out of the Consolidated Fund if the 7*s.* was exceeded. Ireland's condition would then be only the same as Scotland's. Till of late the poor-law was only voluntary; 5*s.* in every electoral division. 2*s.* on the union would be a great burden to impose so soon. The evidence before the Committee was in favour of the plan. Mr. Aubrey de Vere had evidently thought much on the general question, and gave good evidence; but still his opinion was that Mr. de Vere was a little influenced by his wish to find fault with everything connected with the poor-law. He (Lord J. Russell) believed this Bill to be a useful auxiliary to the Bill for the sale of incumbered estates. If land was made valueless, where was the use of a Bill to facilitate sales?

Mr. H. HERBERT thought the principle of a maximum rate would compensate for the vice of the Bill. There was nothing remedial in the Bill. There would be future calls on the imperial exchequer. 4*s.* 1*d.* was the largest sum ever collected in the distressed unions. Thus capitalists would never be safe. Some honest districts had paid more than the maximum rate. Had they stuck to the maximum, the poor would have died. He only wished to notice the remark of the right hon. Member for Northampton. He thought he had adopted the spirit of English Members on this law. When there was a danger of an inroad on the Consolidated Fund, he exclaimed against any change leading thereto. Only one English Member had agreed with Irish Members that the law of Ireland should, as Irish Gentlemen wished, be assimilated to the English law.

Mr. SHAFTO ADAIR said, larger sums than 4*s.* 1*d.* had been collected in one union. In Clare 6*s.* 6½*d.* had been collected. In Miltown division 8*s.* had been collected. He supported the maximum rate, as a measure, to give confidence to Ireland.

Mr. H. HERBERT had quoted from a public paper.

Mr. SIDNEY HERBERT apprehended that as the noble Lord desired to get this Bill through as soon as possible, it would be advisable to fix Monday.

Lord J. RUSSELL thought Bills should be passed at once when the House had arrived at the third reading. He had agreed with other Members too on the subject. Besides, there were points in the poor-law still requiring amendment. He would rather adhere to the old arrangement.

Committee report progress.

House resumed.

To sit again on Monday next.

The House adjourned at One o'clock, till Monday next.

HOUSE OF LORDS,

Monday, June 11, 1849.

Minutes.] Public Bills.—1ª Passengers.
2ª Incumbered Estates (Ireland).
3ª Defects in Leases.

Petitions Presented. By the Bishop of Norwich, from Horsford, Horsham, and several other Places, for the Suppression of Seduction and Prostitution; also from Bristol, against the Granting of any New Licenses to Beer Shops.—From Haddington, for a Reduction of the National Expenditure.—By the Marquess of Westminster, from Shaftesbury, for Extending the Jurisdiction of County Courts; also from St. Pancras, that Boards of Guardians may be Empowered to grant Superannuation Allowances to Poor Law Officers.—From Hexham, for a Repeal of the Window Tax.—By the Earl of St. Germans, from Mr. G. Gurney, for Inquiry into the Subject of Fire-Damp Explosions.

VENTILATION OF COAL MINES.

The Earl of ST. GERMANS rose to present a petition from Mr. Goldsworthy Gurney, on the subject of the ventilation of coal mines. The noble Earl observed, that he need not dwell upon the interest and importance of the subject. All of their Lordships must be sensible how essential it was to the wealth and the power of this country, as well as to the comfort of its inhabitants, that coal should be obtained with the least possible waste, and at the least possible cost. Neither of these conditions were, however, attained under the present system of colliery management, in consequence, principally, of the frequent explosions which took place from the accumulation of noxious gases; and the question then was, whether there was any mode of preventing the occurrence of these melancholy catastrophes. The petitioner stated that in 1847 there had been 623 persons killed by mine explosions, and 196 seriously wounded; while, in 1848, there had been 191 explosions, in which 446 persons were killed, and 158 disabled for life. To this melancholy list must be added the victims, amounting to between 30 and 40, of a recent explosion in Yorkshire. This subject had already attracted the attention of the Legislature. In 1835, a Committee of the House of Commons had been appointed to inquire into the occurrence of accidents in coal mines, and to devise and consider the remedies best calculated to secure the lives of the persons employed in them. This Committee collected a large body of valuable information from the scientific and practical men whom they examined as witnesses; but they did not recommend any specific remedial measure. The petitioner, Mr. Gurney, gave evidence before that Committee, and explained to them a plan by which he proposed to ensure the perfect ventilation of coal mines. The Committee recommended the attentive consideration of those proposals, and expressed a hope that now, as the attention of the public had been called to the matter, some remedial measure would be adopted. No such steps, however, were taken, and matters remained as they were until 1839, when a terrible explosion took place near South Shields, a meeting was held, and a committee of scientific and practical men re-

siding in the neighbourhood was appointed to investigate the whole subject. This committee sat, at different times, for a period of three years, considering and discussing various measures for the prevention and remedy of such disasters. He then held in his hand their report, and a more valuable document, in his opinion, never was published. He would not read it to their Lordships, but would merely state that it contained a very graphic description of the scenes of misery which one of these terrible catastrophes occasioned. The members of that committee had taken great pains in examining and analysing the different species of gases, and in describing the operation of the choke-damp, the after-damp, and the various other incidents which exposed the miner to greater dangers than any other set of workmen engaged in industrial pursuits. They had also examined the different means employed for the protection of the life of the miner, and described the different safety-lamps which were now used in different mines. They showed that the best lamps were insufficient for the purposes for which they were intended, and in certain conditions of the atmosphere increased rather than diminished the danger. They then proceeded to point out for adoption the plan for the ventilation of mines which Mr. Goldsworthy Gurney had described minutely in his evidence before the Committee of the House of Commons in 1835. The South Shields committee called upon that gentleman for further explanation, which he most readily afforded; and the conclusion that committee arrived at, after full and mature consideration, was, that Mr. Gurney's plan was perfectly efficient for the purposes it professed to accomplish. The noble Lord quoted a passage from the report of the Committee, stating that the plan of ventilating coal mines by high-pressure steam was peculiarly adapted for its purpose, at a small expense, and without interfering with the ordinary working of the mines, while it swept the galleries almost with the violence of a hurricane; but under perfect control, and that it seemed to be one of the most perfect inventions of modern times. Notwithstanding these recommendations, nothing was done till last year, when Sir Henry Delabeche and Dr. Playfair were sent by Government to inquire into the causes of some accidents that had taken place in a coal mine in the north; but the only practical recommendation they made was, that there should be some improvement in the system of ventilation. Last year, a gentleman connected with the Seaton Delaval Colliery in the north, namely, Mr. Foster, official viewer in that mine, happened to be in London, and, visiting the Polytechnic Institution, he saw some experiments made there with high-pressure steam, which struck him as being applicable to the ventilation of coal mines and buildings. The professor of the Polytechnic Institution referred him to Mr. Gurney, who furnished him with all the necessary information, and Mr. Foster soon afterwards had the necessary apparatus erected in Seaton Delaval. After eighteen months' experience of its results, Mr. Foster published a letter in the *Gateshead Observer*, in which he stated that the apparatus had performed its work most successfully; but he claimed no credit for its introduction beyond making the first trial, because he had acted upon the instructions of Mr. Gurney throughout, and he hoped that others would adopt the same system. That, their Lordships would observe, was the opinion of a practical man. Mr. Foster spoke of an increase in the ventilation of the mine to the extent of 50 per cent, as contrasted with the ventilation under the old system; and he believed that the ventilation might be increased to an indefinite extent at a very small cost. There was an incidental advantage obtained by this discovery, which he believed its inventor did not contemplate. A mine in the neighbourhood of Manchester was lately discovered to be on fire, which their Lordships all knew was a terrible calamity, not only causing a complete stoppage of labour for the time, but was a cause of great expense; for at that time there was no mode of extinguishing it but by pumping water in in great quantity, and pumping it out again afterwards. Mr. Darlington, the owner of this coal mine, having heard of the successful experiments of Mr. Foster, wrote to Mr. Gurney to know if he could devise any means for extinguishing the fire. Mr. Gurney proceeded to the spot, and after examining into the subject, expressed no doubt that by the high-pressure application of steam, such a quantity of carbonic acid gas might be driven through the mine as would extinguish the fire. He held in his hand a letter from Mr. Darlington, in which the whole process was described. He would not trouble their Lordships with reading it —suffice it to say, that the experiment was attended with the most perfect and

unqualified success, and that Mr. Darlington ended his letter by saying, that the fire was extinguished at a cost of fewer pence than it would have cost pounds, under the old system, by the introduction of water, and that the mine was now in a perfect condition. So much for the success which had attended the invention of Mr. Gurney. He would not have said another word on the subject if he had not heard that some individuals of high scientific acquirements, having, no doubt, been misled themselves, had represented to Her Majesty's Government that Mr. Gurney was a visionary and an enthusiast. He (the Earl of St. Germans) had known Mr. Gurney for several years, and had the greatest respect for him as a scientific man. He had no doubt he was an enthusiast, for he believed no man had ever made any scientific discovery who was not an enthusiast; but as to his being a visionary, he knew no man who was more rational. Mr. Gurney had been brought up to the medical profession, and being connected with one of the scientific institutions of the metropolis, he was engaged for some time making experiments on gases—especially those gases which were peculiar to coal mines. His experiments satisfied him that there was great insecurity in the use of the present safety-lamps; and that, under certain conditions, they even increased the danger connected with coal mines. He then directed his attention towards the framing of a blow-pipe, by which these gases might be consumed, and in the course of his experiments he discovered that light, which was commonly called the Drummond light. He knew that that had been doubted, and he did not wish to go into an argument on the subject; but it would be sufficient to say, that a Committee of the House of Commons, which sat in 1842, reported that Mr. Gurney was now universally acknowledged to be the inventor of the Drummond Light. Mr. Gurney was subsequently employed by the masters of the Trinity House to apply this invention to lighthouses, when he discovered another and still more brilliant light, which, to distinguish it from the Drummond, he named, from the place of his residence in Cornwall, the Bude Light. That light was now used in the House of Commons, to the satisfaction, he believed, of everybody in the House, and it was attended with a great saving of public money. He mentioned these things to show that Mr. Gurney was not a mere visionary and enthusiast. Mr. Gurney had also been engaged in the study of the nature and properties of steam, and the world was indebted to him for the application of the high-pressure system to the locomotive railway engine, which he communicated to Mr. Stephenson, and which at once raised the velocity of the locomotive from nine miles an hour, which was the speed on the Stockton and Darlington Railway, to thirty miles an hour, which was at once attained on the Manchester and Liverpool by the high-pressure system. On these grounds he ventured to request that their Lordships would give the petition their favourable consideration, and to express a hope that Her Majesty's Government would take the matter in hand; for it was a disgrace to the country that accidents should be continually occurring, when there were means existing to prevent them. He ventured to suggest that two or more eminent engineers should be appointed to inquire, not into the general subject, but into the means of cure suggested by Mr. Gurney, and the propriety of its application to coal mines. He was bound to say, that other experiments tried, not by Mr. Gurney, had failed, owing, he believed, to the conditions which Mr. Gurney had prescribed not being complied with, and his instructions not followed out. In particular, low-pressure steam had been used in some instances instead of high-pressure, which was most essential to its success. He ventured, therefore, to hope that Her Majesty's Government would take the matter in hand; and if the inquiry should turn out to be satisfactory, he trusted the Government would, without hesitation, take measures for the compulsory adoption of a system which promised to be as much for the interests of humanity as for the material wealth of the country.

LORD BROUGHAM said, this subject was certainly of the very greatest importance, when they saw such frightful accidents constantly taking place, for even since his noble Friend had given notice of his intention to present this petition thirty-three lives had been lost at Hebburn Colliery, and only one person out of thirty-four had escaped unhurt. When they saw such dreadful calamities happening to such an extent that a statistical calculation could be made of a loss of life taking place on the average of years to the extent of 700 or 800 a year, and the same number maimed—and let him remind their Lordships, that to a poor person, especially in

the condition of a collier, maiming was almost a sentence of starvation—when they saw such fatal accidents happening from fire-damp, and when they saw, further, that it was utterly impossible, after the long experience they had had, to make the workmen attend to their own safety by using the safety-lamp—when they saw all this, he was sure that nothing need be said to prove the high importance that attached to an inquiry of this description. He wished his noble Friend had moved for a Committee of their Lordships' House, that evidence might be taken upon this subject, though perhaps the course he had adopted would amount to the same thing in the end. If they had a declaration, by competent and official authority, that there was a complete safeguard against the explosion of fire-damp, he would not like to be the mineowner against whom it could be proved that he had not adopted it, if an explosion took place in his mine, and parties were killed; for in addition to the heavy damages that would, no doubt, be given in such a case, his opinion was, that the mineowner would be criminally responsible for the deaths of these individuals. Without pretending to much knowledge on the subject, he must say, that he differed from his noble Friend on one point—which was not at all material to this question—whether Mr. Gurney was the inventor of the Drummond Light. He might be the inventor of the Bude Light; but his lamented friend, the late Mr. Drummond, had showed him the Drummond Light in operation at the house of Mr. Bellenden Ker, long, long before the period to which the report of the other House referred; and, therefore, he utterly denied that Mr. Gurney was the discoverer of the Drummond Light, except, perhaps, in this way—in which he believed several discoveries had taken place—that both discovered it at the same time, each ignorant of the proceedings of the other. With regard to the fire-damp, he might allude to an anecdote of the most illustrious of modern engineers, who had changed the face of the world more than any man ever did before or was likely to do again—he meant the late Mr. Watt, who, in a conversation with him (Lord Brougham), related the following singular anecdote: He said he was anxious to inquire into the nature of the fire-damp; and as he found that no trust could be placed in the accounts of those persons who had seen it—for the survivors were naturally so alarmed at what had happened that they could give no intelligible account of it—he determined to go down a coal mine where there there was fire-damp; for he knew that the hydrogen gas of which fire-damp was composed was eight or nine times lighter than common atmospheric air—that it went up to the roof of the gallery, and lodged there till a considerable quantity had accumulated. Mr. Watt accordingly went into a gallery in a mine where the fire-damp was known to be, and was put into a niche in the gallery. The air in the gallery was then considerably agitated, after which a man went to the further end, proceeding with great caution, and set fire to it. Mr. Watt stated to him (Lord Brougham) that he saw the light go first in one direction and then in the opposite one, and that then it burst with an enormous explosion up the shaft of the mine. From thence Mr. Watt drew the conclusion that the only way of remedying the fire-damp was by artificial ventilation, which proved the sagacity of that great man; for it appeared that Hebburn Colliery, where the late explosion took place, was one of the best naturally ventilated mines in the kingdom. Perhaps it might turn out that even artificial ventilation would not do; but on that point, certainly, Mr. Foster would be an impartial witness, though it was impossible, with the experience of a year and a half, and only in one mine, they could come to any practical conclusion; but he would fain hope that this inquiry would lead to the great good of ultimately destroying fire-damp. There would still remain the choke-damp; but that was of a very different nature, as it sunk down to the bottom of the gallery, instead of rising to the top; and there never had been more than one or two lives lost by its operation, instead of the scores of lives that were lost by the explosion of fire-damp.

The EARL of ST. GERMANS explained, that he rested his statement regarding the Drummond Light upon the report of the Committee of the House of Commons,

The MARQUESS of LANSDOWNE was very glad to have this opportunity of saying, that Mr. Gurney's unquestioned merits were sufficiently known to the public, without claiming for him honours of which there was any doubt. With respect to the particular question which the noble Earl had brought before them, he felt satisfied that experiments of a very successful nature had been made by Mr. Gurney, both in this metropolis and in some mines in the north; and he was not aware that any seri-

ous or practical objection had been discovered to the application of his principle, which professed to save the lives of a large and valuable class of Her Majesty's subjects. Under these circumstances he agreed that it was most desirable that some inquiry should be made to ascertain whether this principle could be carried into practical effect.

LORD WHARNCLIFFE thought the noble Earl, in bringing forward this petition, had stated strong grounds for the presumption that this artificial system of ventilation would be successful; but whatever might be the actual merits of the system, he thought it was well worth the while of Her Majesty's Government to consider whether some inspection ought not to be established into the state and condition of coal mines. Up to a very recent period he had himself entertained strong doubts as to the propriety of establishing such an inspection, because he thought that if such an inspection were established the inspectors would require to be continually present, and must be responsible for the operation of the whole system. But he had lately had cause to alter his opinion. He found that in Belgium a system of Government inspection over mines had been established for several years past—that it was conducted by able and competent persons, whose business it was not to interfere with the operations of the proprietors, but to assist them with their advice, and so endeavour by every means to prevent the recurrence of such frightful catastrophes as had been but too much incident to coal mines. What had been the result? It was stated, on the authority of Mr. Seymour Tremenheere, who had been appointed inspector of mines under the Act prohibiting females from working in coal mines, and who had been over in Belgium making inquiries on this subject—it was stated by him, that though there had been an increase of 20 per cent on the amount of coal raised, and an increase of 17 per cent on the number of the population employed in the mines, yet there had been a decrease of 20 per cent in the amount of fatal accidents. Now, however effectual the plan of Mr. Gurney might be for its own especial purpose, namely, in creating a mechanical process for the ventilation of mines, it was obvious they could not dispense with the additional security of inspectors in order to ascertain that it was properly applied to all mines. He had been told that at a public meeting in Newcastle a decided opinion was expressed in favour of such a system of inspection. He trusted this subject would meet with the attention of Government; and with regard to the question immediately before them, he was satisfied that any system which promised to diminish the chance of accidents was well worth the attention of the House.

INCUMBERED ESTATES (IRELAND) BILL.

Order of the Day for the Second Reading, read.

LORD CAMPBELL confessed that he had noticed with some dismay the symptoms that he had observed in more than one quarter of their Lordships' House of strong hostility to this Bill, as he had entertained the hope that the measure would have met with the almost unanimous approbation of their Lordships, as it had in the other House of Parliament. The Bill was one of the very greatest importance. He allowed that it was one of an arbitrary nature, which nothing could justify except the lamentable condition of that unfortunate country to which the measure was intended to apply. The situation of landed property in Ireland was such, that, in his humble opinion, unless such a measure as this met with the approbation of the Legislature, it would go on from bad to worse, until inevitable ruin overtook every class of the community. The object of this Bill was, as the title expressed, "to facilitate the sale of Incumbered Estates in Ireland." Unfortunately a great portion of the surface of Ireland came within the description of incumbered estates. Some persons supposed, probably without any foundation, that this state of things arose from the imprudence of those who were in possession of the land in that part of the united kingdom. He believed that it was more probably a defect in the law of real property which had led to these most lamentable results. Their Lordships were aware that in England, when money was raised on the security of an estate, the proceeding was by a mortgage. The owner of an estate proposed to borrow a certain sum of money on the security of his property, and his title being examined and approved of, a specific sum of money was advanced on the security of specific land, which land alone was burdened with the liability, and remained permanently affected until the debt was paid. The owner remained in possession of the property,

with power to let it and manage it as he thought proper, the relations between landlord and tenant remaining as if no debt had been incurred. But in Ireland the mode of proceeding was quite different. There money might be raised by a proprietor of land on a judgment, which offered a great temptation to inconsiderate and reckless persons to get into debt, and to contract liabilities with money-lenders. On confessing the judgment, it was lodged in one of the Courts in Dublin, and the judgment then stood as a security, not on any particular land, but on all the property possessed by the borrower, or that might come into his possession at any future time. By another provision, which it had been thought would prove most beneficial to the landed interests in Ireland, it was arranged that judgment might be assigned to other parties by the holders; and thus, in the course of time, nobody could tell who was the actual owner of any particular judgment, or to whom an application was to be made in case an incumbrance was to be paid off. The result of this state of the law was, that when an estate once became incumbered, it became almost inevitably ruined. In Ireland they had what, he believed, might be made a most admirable institution, and what he hoped before he died to see established in England, and that was a registry of deeds. He was happy to perceive that there was a growing opinion in favour of a general registry, and he hoped soon to see it the law of England; but it was much better to have no registry at all than a bad registry; and from what he had seen of Irish titles, he could undertake to say that the existing registry had been a curse to Ireland. Instead of a deed being enrolled in the registry, there was merely an intimation that such and such a deed existed between such and such parties, and this was told in such a way that it not merely afforded no valuable information, but absolutely often gave a wrong impression, and opened the means of misrepresentation and fraud. With regard to Scotland, he might say that they had a registry there which stood on a most excellent arrangement, and which had conferred the greatest benefit on that part of the united kingdom. But with regard to Ireland, whatever the cause might be with regard to registration, there could be no doubt but that the number of incumbered estates in that country was most lamentably large. This evil, indeed, had become so great that the Court of Chancery was quite unable to cope with it. When his learned and most able friend Sir Edward Sugden first went as Lord Chancellor to Ireland, he found that if there was an incumbered estate brought into the Court of Chancery, it soon melted away in the expenses which were incurred. He remembered a graphic account which Sir Edward Sugden once gave him of a scene which he witnessed when sitting as Chancellor of Ireland. When a case was called in the Court of Chancery respecting an incumbered estate, every judgment creditor who had a supposed lien on the estate, and all his representatives, were entitled to have notice to appear and be a party to the proceeding; and the practice was, that when the case was called, each gentleman at the bar who had a brief rose and said, "I appear for so and so," and threw the brief towards the Chancellor; and Sir Edward Sugden said, that so many briefs were thrown before him that it actually resembled the bombarding of a town. These briefs were all very large, with very large fees marked on the back of them, all of which came out of the estate in the end. That able and enlightened Judge did all in his power to mitigate the evils of the system, and he did mitigate them to a certain degree; but still he was unable to cope with them entirely; and he might mention a fact to demonstrate how rapidly the evil had gone on increasing. By the law in Ireland, as soon as an incumbrancer got a judgment, he might have a receiver—so that almost all Ireland was under receivers, and the only thriving trade was that of a receiver. Well, so rapidly had the evil increased, that although in 1807 the annual amount collected by receivers was only 200,000*l.*, it was now upwards of 2,000,000*l.* That being so, what was called the Encumbered Estates Bill of last Session was passed into law. That measure was but an experiment, which it was proposed to follow with more stringent measures if necessary. He confessed that he was never very sanguine with regard to the Bill of last Session; and he had been just reminded by a noble Friend near him that the Master of the Rolls, Lord Langdale, had stated it as his opinion at the time, that that Bill would be found insufficient, and that something else should be done, and that a new tribunal, independent of the Court of Chancery, should be formed. That view of the Master of the Rolls had been borne out by the opinions of other competent authorities; and the result was,

that the Bill now before their Lordships was prepared. Of that Bill he was most sanguine, as he anticipated the most beneficial results from it. He did not think that it would, like the last Bill, remain a dead letter; but he hoped to see it brought promptly into operation, and attended by the most salutary results. The principle of the Bill, about which his noble Friend (Lord Monteagle) expressed such anxiety, was this. It was proposed to appoint commissioners, in whom great confidence would be placed. A most grave responsibility would rest with the Government in the selection which they would make of those commissioners, because on that selection would depend the whole success of the Bill. If the selection were good, he anticipated the best results from the measure; but if the selection were bad—which Heaven forbid!—then he felt that the measure must fail. It was proposed that the commissioners should be three in number. He was not aware that any objection had been expressed in any quarter with regard to that number. There was no qualification set forth as being necessary; and their Lordships would not, he was sure, object to the omission of a provision that they should be barristers of six years' standing. The whole responsibility would fall upon the Government of making a proper selection of persons to be invested with these important powers; for these commissioners were to have all the power of the Court of Chancery with regard to those estates, but without its delays, without its expenses, and without its formalities.

Lord BROUGHAM: And without its appeals.

Lord CAMPBELL: Yes; they would exercise their powers without appeal, except by consent.

Lord BROUGHAM: The consent of themselves.

Lord CAMPBELL said, that his noble and learned Friend must be fully aware that the principle was not a novel one; as, for instance, in trials for felony, or high treason, no appeal could take place without the consent of the Attorney General. The commissioners would be persons in whom full confidence would be imposed; and there could be no danger of their refusing an appeal in any case where a ground existed for questioning their decision. The commissioners being so appointed, a power was given either to the owner or to the incumbrancer of an incumbered estate to apply for their interference. It was very important that this should be given to the owner of property; because, as the law now stood, he could not sell without the consent of the mortgagee, unless, indeed, he paid off the mortgage and the other incumbrances in the first instance. He considered this provision as most important, because, under the present law, all parties suffered. The owner found his estate encumbered by judgments for mortgages raised by himself or his ancestors, and by dowries and settlements. Even before the late calamity in Ireland, he was only nominally the proprietor, but since the Irish famine and the imposition of the poor-law, his situation had become much more deplorable; because he was still obliged to pay the whole of the jointures, the whole of the portions, the whole of the mortgage money, and, in addition, the moiety of the poor-law for the whole of the estate. This all fell entirely on him; and it, therefore, became of the last importance that he should have power of calling for a sale to pay off all these incumbrances. But the mortgagee was also in a deplorable state; because, from the bad management of property, the rents were no longer able to be paid, and his money had consequently been allowed to run into arrear. The tenants were, likewise, in a deplorable position; because the estates being all under the management of receivers, and the receiver not having any power by law to enter into any arrangements for draining, or inclosing, or manuring, or improving the land in any respect, it invariably followed that estates under the management of receivers went from bad to worse. In this country, when a house was dilapidated, persons were in the habit of saying that it was in Chancery; and the same symptoms attended the appearance of estates in a similar predicament. The commissioners would inquire into the right of selling the estate, and into all the co-interests that existed; and having decided on a sale, they were enabled to give a good title, at once, to the purchaser. Their Lordships were aware that the great difficulty now was, not so much to make out a good title, as to put the purchaser in possession. Claims were made by persons having interests, or pretending to have interests, and nobody could tell whether these claims were well founded or not without most tedious proceedings. But the commissioners would have the power to compel those parties to come forward and show what their inter-

ests were; and in the meantime their sale was good, and they would be enabled to give the purchaser a Parliamentary title, who would then know that he had a fee-simple against all the world. These few lines would give him an irrevocable title; and at the same time a conveyance was handed to the sheriff, who at once put him in possession. The great object was to procure purchasers. Purchasers must be encouraged to come forward, and must know what it was that they would pay down their money for; and the commissioners would give them an estate on which they could at once sit down and lay out their money in improvements. The conveyance would be conclusive evidence that everything had been done that the Act of Parliament required, and no question could ever arise afterwards with regard to the validity of the conveyance. With regard to the appeal to which his noble and learned Friend had referred, the commissioners were to lay down rules, and these rules would have to be approved of by the Privy Council of Ireland, to whom also an appeal would lie in case any ground existed that rendered it necessary. His noble and learned Friend would, however, see that if unlimited power of appeal were given, attorneys might induce their clients, from interested motives, to appeal on frivolous pretexts, and that the Bill would thus be rendered wholly nugatory, and, instead of being useful, would become absolutely mischievous. To meet this, it was provided that the Lord Lieutenant should appoint a judicial Committee of the Council, to hear and report on the appeal, and the order of the Privy Council on the appeal would be final. With regard to the objections that had been raised to the Bill, the first he had heard was, that it superseded the Court of Chancery; but then it did so only for a particular purpose, and in a matter in which that court had been found to be entirely inefficient. He had also authority for saying that the Lord Chancellor of Ireland highly approved of this Bill, and he was not aware that any of the Judges had expressed any disapprobation of it. The Lord Chancellor of Ireland was most desirous that it should become the law of the land; and if he did not believe that it would be beneficial to the country, he would, no doubt, have been the first person to have disapproved of it. The Court of Chancery was a most excellent tribunal for particular purposes, but for the sale of encumbered estates it had been found most inefficient. In the next place, it was said that the Bill was too extensive, and that it should have been confined in its operation to particular parts of Ireland. But it would be impossible to carry out such a plan. These encumbered estates were scattered over all parts of Ireland; they were perhaps more numerous in the west than elsewhere; but the Bill would be found most beneficial in every part of the country, and it would be impossible to point out what particular part of Ireland should come under its operation, and what should be exempted from it. He had only heard one other objection, and that was the supposed hardship with regard to mortgagers. But he would maintain that the debtors were the persons who derived most benefit from the Bill. The measure would be undoubtedly beneficial to the holders of mortgages, and to the tenants, but it would be, above all, of benefit to the debtors. At present, all parties might be willing to sell, but there were no purchasers. Under this Bill, plenty of purchasers would be forthcoming. He believed that when a satisfactory title could be given at once, that purchasers would be found willing to buy; but he admitted that in this he might be wrong. At present, it could not be expected that purchasers would come forward when they did not know what sort of title they might receive. But he could show their Lordships that the owner would be benefited. This Act gave no new power to the creditors. At present, every Irish mortgage was accompanied by a power of sale; or, if there were no such power, an application to the Court of Chancery would secure it. The mortgagee did not, therefore, require new powers to enable him to sell; but the facilities for sale given by this Bill would be highly advantageous to the owner. He would, in the first place, be certain to secure a much higher price; but he would also avoid the ruinous expenses incurred by a sale in the Court of Chancery, preceded by the shower of briefs of which he had before spoken, and the fees on which would be the utter ruin of the unfortunate individual, as all the expenses of the suit would have to be paid by the owner of the property. Under this commission there would be no fees, and when copies of deeds might be applied for, they would be furnished at the mere cost of making the copy. From the first application to the commissioners to the sale of the property, the whole expense would be a mere trifle.

That would be all a saving to the owner of the property, because all expenses at present were borne by him, and by him alone. He would be a gainer therefrom, not only for the increased price obtained for the land, but the decreased expenses of the sale. He hoped, under these circumstances, that their Lordships would agree with the other House of Parliament in thinking that this Bill ought to become the law of the land. He hoped that before long a measure would be introduced by Government to put an end to the assignment of judgments; and he also hoped that another Session would not pass over without having an efficient registry of deeds established in Ireland, with a reform in the law affecting judgments, to which he had just alluded. Without such improvements the whole operation of the Bill now before their Lordships would be neutralised; for, though the purchasers of the present incumbered estates would start afresh, free, and unincumbered, they would soon be reduced to the same position as the old owners were now in. By the passing of this measure, and of the others to which he had alluded, he thought the regeneration of Ireland might be confidently anticipated. Having thus briefly stated the objects of the Bill, he trusted that he had said enough to induce their Lordships to agree with him in thinking that it ought to be read a second time.

Lord BROUGHAM admitted that his noble and learned Friend had very briefly, very clearly, and very ably stated the objects of this most important Bill. He was not about to offer it an unreflecting or ill-considered opposition, but he wished, before their Lordships gave their high sanction to the principle of the measure, to throw out one or two considerations, which very forcibly impressed themselves upon his mind, with respect to its nature and tendency. First, however, he begged to say, that he entirely approved of what appeared to be the intention of the Government, to apply themselves, without more than necessary delay, to reform the Irish law, with respect to judgments, to the appointment of receivers, and to the registry. He could not help feeling, however, that those measures ought to have preceded the one they were now called upon to discuss, and that they were taking the measures in an undue order, on illogical series. In differing from his noble and learned Friend on this matter, he stood in a peculiar position, for he had the honour of presiding over the Society for the Amendment of the Law, whose labours had been very much directed to this subject, and whose reports and publications had the merit of suggesting a principle of this nature, and propagating the knowledge of it. He had been referred to their periodical work, the *Law Review*, as to short conveyances being a boon to purchasers under an order for sale, and to the fact of this principle having been adopted by the commission of his noble Friend opposite (the Earl of Devon), though in that case it was confined to leases. Though approving of that, he did not see the present subject in the same light as his colleagues, who, he believed, entirely approved of it. Much, however, of what he might have urged in support of his own views, regarding this Bill, had been rendered unnecessary, by the admission of his noble and learned Friend, that this was an arbitrary measure. If it were true that it contained no new powers —that it called into existence no novel force—that nobody would be enabled to sell, by virtue of the Bill, who was not able to sell already, he could not adopt the somewhat dislogistic language of his noble and learned Friend, and call this an arbitrary measure. It could not be said to be arbitrary, if it only gave a more convenient mode of exercising powers already in existence. But he thought it was not correct to affirm that the force existed already, or that no new power was called into being by the Bill. Very extraordinary powers were given by it provisions. Three commissioners were to be appointed by the Crown, who might or might not be lawyers, and they were to have the power, at the desire of the owner of an estate in fee-simple, or an estate tail, or even of a life estate, or at the desire of a mortgagee, or of a judgment creditor, or of any other person having an incumbrance as defined in the interpretation clause, to order such estate to be brought to sale, and to be sold, whatever might be the state of the money market or the land market. This was a very large power to give to these commissioners. And if it were said there was no power given to them which did not exist already, because the Court of Chancery had a power of sale, there was this material difference, that at present you could not sell without paying off every incumbrancer. Was it meant to sell without paying off the mortgagee? [Lord Campbell: No!] Certainly not. If

that was the case, he could understand why Irish Gentlemen elsewhere were so enamoured of this measure—why they wished their estates to be put, not into Chancery, but under commissioners, who, appointed by the Crown and removable by the Crown, had the power of selling whatever estates they chose, upon the application of the owner. He was afraid, however, these landowners would find themselves mistaken if anybody had practised upon them to the extent of inducing them to believe they would have the power of selling and pocketing the money without paying off judgment creditors and mortgagees. He would now tell the House what might be done under this Bill. Here was an estate, worth, five years ago, twenty or twenty-one years' purchase, mortgaged for 10,000*l.*; but it would then bear another mortgage for 5,000*l.* There were thus two incumbrancers, the primary mortgagee and the puisne mortgagee. The estate at that time was able to bear both these burthens. But then came this Bill, with its three commissioners, duly installed with clerks, messengers, mace, and insignia; and they were applied to by the first mortgagee, who cared no more for the second than he cared for any mortgagee in Japan, or in the moon. All he wanted was his 10,000*l.*, and he had no more regard for the puisne, who wanted his 5,000*l.*, than a chief justice had for a puisne judge, whose decision he had overruled. He did not even inform the second mortgagee, but at once he went before the commissioners and said, "May it please your worships, will you allow me to sell this estate?" The commissioners said to him, "Well, what case have you?" Then he made out his case, and they made an order to sell the estate. But, by this time, the estate, instead of being worth twenty or twenty-one years' purchase, was worth only twelve years' purchase; so that the first mortgagee got his 10,000*l.*, and the second not one penny of his 5,000*l.*

LORD CAMPBELL was understood to say, that this might be the case in the present state of the law.

LORD BROUGHAM, in continuation, said, the first mortgagee could not do it at present, unless the second mortgagee had notice.

LORD CAMPBELL observed, that he might by a power of sale.

LORD BROUGHAM: By a power of sale? That was one cause of the peculiar state of Irish property. A judgment creditor having the power of appointing a receiver was not the custom in this country; it was rare if he even had the power of sale, and it was not acted upon in modern mortgages; but, as he understood, the power of sale given by this Bill enabled the first mortgagee to sell without paying a farthing to the second mortgagee. The owner, he supposed, might in the same way sell to pay off the first mortgagee, without paying off the second. [LORD CAMPBELL: No!] But, according to the Bill, the owner of the estate might apply to the commissioners. Was there any provision requiring the commissioners to see that all the charges upon the estate were paid?

LORD CAMPBELL replied, that when an estate was sold, the purchase-money would be applied by the commissioners according to priority of charge. The first mortgagee would be paid first; the second, second; and so on.

LORD BROUGHAM said, that just answered his description of the Bill. At present, nobody in Ireland could sell an estate, without paying off the second mortgagee; but, according to this Bill, there was a new, an extraordinary, a monstrous power called into existence, enabling the owner to sell without paying off the puisne encumbrancer, by going to the commissioners, and the commissioners empowering him to sell. "Oh," but said his noble and learned Friend, "no harm will be done, because the purchase money is paid into court, and the court will pay off first the 10,000*l.*, then the 5,000*l.*, and hand over the residue to the owner." That might be; but if it so happened that since the second mortgage had been laid on, land had come down from twenty or twenty-one years' purchase to twelve years' purchase, what became of the second mortgage of 5,000*l.*? What if the estate came down to 10,000*l.*? That, according to his noble and learned Friend, was to be paid into court, and all given to the first mortgagee. The first mortgagee thus got the whole, whilst the second lost both principal and interest. Such was the explanation of this Bill by his noble and learned Friend; and it led him to perceive pretty clearly how some owners came to wish for it. For he could imagine a strong desire on the part of an owner to join the first mortgagee, by way of ousting the puisne mortgagee, to sell the estate; he could also imagine that a friend might be found, very likely a relation of the

owner, or of the first mortgagee, to find money for the present twelve years' purchase. The owner, by means of such a fictitious sale, became possessed of his estate with an encumbrance of 10,000*l.*, and free from tho encumbrance of the second mortgage. This would be the inevitable consequence, and, as the Bill stood, he could not see how any commissioners, however well selected, could avoid it.

LORD CAMPBELL said, the owner would still be liable to the second mortgagee.

LORD BROUGHAM highly approved of the interruptions of his noble and learned Friend, because they enabled him to discover accurately one after another the defects of the measure. His noble and learned Friend, however, had not answered the objection. He assumed there was a fictitious sale and a buying in by a friend or relation of the owner. How were the commissioners to discover whether the buyer was a separate and independent person, or merely the friend and trustee of the owner? Had they any arbitrary means of compelling the purchaser to disclose whether he held as purchaser for a valuable consideration, on his own behalf, or for behoof of the nominal seller? There was no such power whatever, and the buyer might continue to hold the estate nominally year after year, privately paying over to the owner all the rents and profits. It was quite true the owner was to continue liable. But, then, they must get at his property, his goods, or his estate. How could they, when they were held by a cousin, a brother, or a son, for he could not imagine there would be any provision in the Bill to limit the biddings to strangers in blood; and even if there were so grotesque a provision, a friend, no relative, might lend his aid. The Bill enabled the commissioners to exercise their powers practically without appeal. "No," said his noble and learned Friend, "these orders may be appealed against. But he (Lord Brougham) found no appeal was given without leave of the commissioners themselves. Now, he could very well conceive commissioners who would make it a rule never to grant an appeal, and who would not wish to have their decisions revised. But these commissioners were to have another and a most extraordinary power; they were to have the high and transcendental power of making rules and regulations for the whole course of their proceedings—not only rules and regulations for the government of their own proceedings, but for the government of proceedings upon all the subjects and matters coming within their office and jurisdiction—they were to make rules and regulations for the sale and transfer of the rights and equities of parties—they were to make them subject to no appeal except to the Privy Council, which meant the Minister for the time being. This was not the right course to be taken in judicial proceedings. It was neither more nor less than a *supersedeas* of the functions of the Court of Chancery, which cost the country 40,000*l.* a year, whilst this commission would cost 10,000*l.* more, the Court of Chancery continuing just as costly as it now was. But these rules and regulations were to be laid before Parliament. How? Merely to satisfy their Lordships' curiosity, for they were to have no power of checking them whatever. He had seen Acts of Parliament passed, and he had introduced some of them himself, giving the Judges at common law and in equity the power of making rules of practice. But as he felt this was conferring legislative power upon those Judges without the assent of Lords and Commons, he always provided that the rules should be void if either House of Parliament, within six months, passed a resolution against them. No such care had been taken in this Bill; and the commissioners' rules and regulations were at once to have the force of statutes of the realm. Thus, in so many words, it was enacted that three commissioners appointed by the Crown were to have the same powers as the Legislature of making statute law. Well might his noble and learned Friend say that rather arbitrary powers were given by the Bill. "We want," said his noble and learned Friend, "bidders for land in Ireland." No doubt they did—no doubt this was just what owners and mortgagees wanted. "Pass this Bill," added his noble and learned Friend, "and I will answer for it you will have plenty of bidders." But why were there not bidders now? It was vain to say it was the encumbrances upon property; it was vain to say it was the Court of Chancery. Agitation was the reason there were no bidders for Irish estates. A bad poor-law was another reason; but above all, the unpeaceful state of the country was the cause. If the country was as pacified in the south and west as it was in the north, there would be no lack of bidders for Irish property, provided fair terms were offered; and there would

be bidders if this Bill enabled commissioners to sell land at twelve years' purchase, because it would be a good investment; but if they acted more for the benefit of the puisne incumbrancers than that would imply, he was sure they would have none. He would tell the House why. The gist of his noble and learned Friend's case was, "there are no bidders upon account of the delays in the Court of Chancery, the state of the law as to judgment debts, the powers of sale by mortgagees, and the practice of appointing a receiver under every judgment." This was the only reason for the Bill: these were all the difficulties the Bill professed to alter: this was the gist of the argument of his noble and learned Friend. Now, he met his noble and learned Friend thus. Were there no unincumbered estates in Ireland? There were not so many as he could wish; but would any one say there were none? He was happy to believe there were many. Bring a parcel of incumbered estates into the market, and you would have no bidders. For it was perfectly notorious, and he himself (Lord Brougham) knew the very estates, that for land wholly unincumbered, either with mortgages or infants, no bidders came forward at present. But how could it be said that this Bill would furnish bidders, when after incumbrances had been so got rid of, there would be no bidders where there were no incumbrances? He had thought it but fair and right to state, in the first instance, these difficulties which had occurred to him. Then, as to authority, he was sure it must be a strong case to make his noble and learned Friend the Lord Chancellor agree to this measure; but he was quite certain that his noble and learned Friend who preceded and succeeded him on the woolsack (Lord Lyndhurst), had expressed no opinion in favour of it. He was, however, told that the Irish Chancellor had expressed a very strong opinion in favour of the Bill. When he looked at the great inroad it was to make into the business of the Irish Chancellor, without effecting any diminution in his patronage and emoluments—when he found it would relieve him of the great bulk of his duties for the next three years, he could easily imagine that that learned person would have no great indisposition to listen to such a proposal. He was, however, informed, upon authority which implicitly governed his opinion, that the Irish Lord Chancellor stood pretty much alone in his opinion. His right hon. Friend the Master of the Rolls in Ireland was coming over, and he (Lord Brougham) should wish for an opportunity of conferring with him upon the subject in a Committee of that House. Another most learned lawyer, Master Brooke, was also on his way here; and their Lordships, he hoped, would have the benefit of his opinion. He (Lord Brougham) knew that some of the chief Judges in Ireland were most hostile to the measure. He had indeed been informed that every one of them, more or less, was opposed to it; but he would not take upon himself to make that statement. At all events he was certain that the bulk of opinion among the Irish Judges at common law was against the measure; and he was equally sure that much more information would be obtained in relation to it if their Lordships heard their opinions. Such were the impressions the Bill had made on his mind. He was not prepared to say he should offer any very serious resistance to its further progress if he found that Irish proprietors, Irish lawyers, and Irish Judges were in favour of it; but he had felt it his duty as an English lawyer, having occupied a high place among English Judges upon questions intimately connected with the subject-matter of this Bill, to state his opinion, however imperfectly it might have been formed. Many of his objections might be removed in Committee. He would mention one. Suppose, instead of giving an unlimited power to an owner or incumbrancer upon an estate having a puisne incumbrance to apply for a sale, the power should be confined to cases where there was a certain proportion between the rent and the incumbrance. If half or two-thirds the clear rent was eaten up by the interest upon the mortgages, let the right to apply be given, that was to say, an estate of 1,000*l.* a year might be brought to sale by the commissioners or within their jurisdiction, provided that 500*l.*, 600*l.*, or 700*l.* of the rent were absorbed by the interest. It would be expedient, he thought, to introduce some such limitation. The rules and regulations of the commissioners should be laid before Parliament, with a right to object to them; the power of sale should be limited; and bearing in mind his objection as to collusive sales and purchases, the commissioners should not be empowered to sell under a certain number of years' purchase. But one objection he had, which he believed could neither be met nor received. An Act of Parliament title, as against all

the world, was given to a purchaser; and yet the party selling might have no title whatever to the estate sold. An heir at law knowing there was a devisee alone entitled, might sell, and then the devisee was for ever shut out.

The EARL of WICKLOW observed, that as to leases they would vary.

LORD BROUGHAM said, other rules might be applied to leaseholds. What he wanted was to curb and check the unlimited and uncontrolled power which seemed to be given to the commissioners. These changes might be made without touching the principle of the Bill; and they would make great difference in his sentiments respecting it. But the objection he had last stated seemed insuperable.

The EARL of GLENGALL was never more astonished in his life than on seeing a Bill of this kind introduced to the House; and he could not but wonder that any man should have had the hardihood to propose so downright a confiscation of property for their adoption. It was true that very great misfortunes had fallen upon the property of Ireland, but he could not imagine any set of circumstances that would call for such a measure as the present. It involved a principle of communism and socialism of the deepest degree—one that they might have expected to see proposed in the late National Assembly of France, but only in such an assembly as that. It was founded on the principle of those sects to which he had alluded, and if it was to be carried into effect he would recommend Her Majesty's Government to invite Louis Blanc, Considerant, and Proudhon to become the first commissioners. Ireland had not been thrown into its present state by the conduct of Irish proprietors. Its evils were owing to a system of misgovernment for five hundred years on the part of this country. From the hour Henry II., in the year 1172, set his foot in Ireland, down to the reign of William III., property had been insecure, in consequence of the frequent confiscations which had been made during the interval. Elizabeth, so great in many things, and so great in the esteem of her subjects—Elizabeth was as great a confiscator as any of her predecessors, who interfered with the property of Ireland; for, having determined to provide for the captains of her trainbands, she proceeded to the removal of the previous owners with that view, and that view alone, for there was no other reason for the confiscation of those magnificent estates with which she readily dealt. Then came James I., and after him Cromwell, whose commissions were issued endowing the commissioners with the very powers which the Government now proposed conferring by this Act, and against which it was his intention to give his vote. William III., although strictly bound by the treaty of Limerick, proceeded to confiscate the estates of all those who had fought for King James at the Boyne, in direct contravention of the treaties which he had signed. Was it wonderful, then, after this series of confiscation and spoliation of estates for so great a number of years, that a feeling of insecurity should grow up, and men should be unwilling to become purchasers? For his part, it was no wonder to him that men had not laid out their money, as owners did in this country and elsewhere, in the improvement and high cultivation of their estates. There was no degree of security attaching to the possession of landed property in Ireland, at least down to the year 1782. Down to that period, the Legislature of this country was employed in passing every species of laws which had for its object the destruction of all trade, manufactures, and agriculture in Ireland. Such was the object, and such the course which this country persevered in towards Ireland, and it was not till the year 1782—when 80,000 volunteers took their stand upon their country's rights, that this Legislature was induced to review their course and to repeal the Acts the cause of so much mischief to Ireland. Up to that year the Legislature had heard the manufacturers, and farmers, and landlords of this country state, that the trade, and the manufactures, and the agriculture of Ireland, were detrimental to the interests of this country, and they had listened to their petitions. Was it wonderful, he asked, if a country placed in circumstances like these, for a period of five hundred years, did not find herself, in the course of another fifty years, in a state of prosperity, even if the course pursued towards her had been reversed? Another system which had been pertinaciously pursued with regard to that country, were the penal laws which affected the Roman Catholic population. The laws passed in regard to them rendered their property precarious and insecure, giving to the Protestant branch of the family the rights of ownership over the family estate until the

legal heir should recant his religion. Such laws as these, and the laws made against trade, these were the causes—the main causes of the evils which had fallen upon Ireland; and, when such were the laws dealt out to her by the Legislature of this country for many hundreds of years, he said the evils now complained of were to be laid to the fault more of the Legislature than to the landlords or to any other party. During the last few years, they had been active in legislating for Ireland —they had granted her a poor-law; yes, but not for the purpose of benefiting the country. No, it was for the purpose of preventing the Irish poor from coming over to this country to burden its rates. And now, after enacting that law against the opinion of the majority, they were about to give the final blow by the Act which was now under consideration, which was the completion of the whole system. At one time, Government gave themselves no trouble about Ireland. Now, they troubled themselves very much about her, lest more money should be wanted from the treasury for the support of her starving population. In this state of things, they were now attributing the cause to the weakest party — they were about to visit upon the Irish landlords the evils which had been accumulated, and to deal destruction to them, merely because the Government did not choose to advance money from the treasury to save the poor from the ravages of famine, and the effects of the infamous system of legislation, which, for many years, had been persevered in towards the country. He said, he never expected to have heard in their Lordships' House a proposal to supersede the equity courts in Ireland; as if, moreover, the learned Judges who sat in them were incompetent. He hoped there was no man bold enough to say so; and, for his part, he must say, that a more able and learned bench of Judges was not anywhere to be found. But, whatever they might choose to give as a reason for the course they were now to pursue, he would tell them, that it was the legislation which they meted out to Ireland, which had drawn the enormous masses of property in Ireland, bit by bit, into these courts. Formerly, the transfer of property was easy; but then came what was called "Pigot's Act," which had operated most injuriously, and he attributed a greater complication of evils to its operations than had before existed in the country. It had affected for the worse the system previously existing of judgment debts. In consequence of that Act, small claims of 50*l.* as easily as large claims for 10,000*l.* could be made, and judgment signed on them against the estate of the debtor; and the 50*l.* judgment affected not one estate only, but every estate of the possessor—it might run over four or five estates in so many different counties. This was one mischievous effect of the Act, that however small the claim, it went over every portion of the property possessed by the owner, wherever it might be situated, whether in Cork, Mayo, or Dublin, or all of them together. The consequence was, that when these claims came to be reviewed for satisfaction, the complication was frightful, and it was next to impossible to satisfy these petty judgments. The parties who had signed them had perhaps failed, or they were not to be found, or they were dead; and, on the other hand, purchasers in these circumstances, desirous of getting out of the bargain, availed themselves of the state of the law to create difficulties and delays, keeping the bargain open for two or three years, and so they were often able to get out of the purchase. In Ireland it had been very much the practice, unfortunately, for parties when they had paid a petty judgment, not to take any measure to have the judgment formally satisfied. Either owners were not aware of the steps necessary, or they did not take them if known, and the consequence was the greatest difficulty in disposing of their property because of the number of these seemingly unsatisfied judgments which remained. He said some measure ought to be introduced which would limit the time during which a judgment would be of effect, and beyond which it should cease to be of power to create a debt. But Pigot's Act had had a most injurious effect in another point of view, which no noble Lord in his hearing had adverted to. Previous to that Act, when a suit of foreclosure was begun by a mortgagee, the suit was confined to the parties immediately concerned, and the losses too; and when judgment was obtained, the next encumbrancer received notice of the intended sale, and then it was that he came in on the surplus for the payment of his claim. But after the passing of this measure, there was a clause in the Bill which enacted that a mortgagee, when he instituted a foreclosure suit, must make all the encumbrancers parties to the suit. He

was obliged accordingly to bring into court all the judgment creditors, who were obliged to be served with notice of the suit, and the consequence was enormous expenses and a harvest to the lawyers. He knew a case in which there were 140 defendants brought into court, and all of them were obliged to appear by counsel. The law previous to this gave these parties certain rights, and the court having the power to administer the law only was unable to change it. Sir Edward Sugden, seeing the evils which were in existence, endeavoured to save the parties the enormous amount of expenses; but unfortunately the good intention of Sir Edward failed. That was one of many points upon which more sensible legislation would cure many of the evils now pressing upon the property of Ireland, and on which it would be desirable to bring back the law to the state it was in previous to the passing of Pigot's Act. But he wished to draw the attention of their Lordships to another point in the legislation of this country for Ireland—he alluded to the system of receivers. He did not mean to say that receiverships were not of old standing in Ireland; but this he did say, that till a late period very little of the property of the country was under receivers. Until O'Loghlen's Act, but little property was in the hands of receivers; but since the passing of it, the quantity of landed property brought into court was enormous —solvents' estates quite as much as insolvents'. He believed, with the exception, perhaps, of one or two of their Lordships, they were not aware of the nature and effects of that Act. That Act gave power to any judgment creditor, whether for 20*l.* or for 10,000*l.*, to appoint a receiver over the estate after ten days' notice. Now, how was that power used? When a man was appointed receiver over an estate, he got five per cent upon the rents collected. That was a very good thing for himself. If an estate yielding 15,000*l.* a year was placed in the hands of the court, it was an excellent thing to be appointed a receiver; and now there were a set of attorneys in Dublin who made that a distinct trade. Ever since the passing of O'Loghlen's Act, this was a new trade which had been started. It was the easiest thing in the world to get estates put into the hands of a receiver. An attorney, either directly by his own means, or by persuading a friend to put forward his claim against an estate, obtained a judgment against it. The attorney said to his friend, "You will put in against Johnson, and I will go shares with you; I will be receiver at 1,000*l.* a year, and I'll give you 300*l.* a year, you, of course, giving me the receivership." Nothing more, after judgment obtained, than the service of the ten days' notice, and it was only necessary to serve that at the house of the proprietor. It was not necessary to serve it on him personally, but merely at his house, where it might fall into the hands of an ignorant servant girl.

Lord CAMPBELL: At the place of his last abode.

The Earl of GLENGALL: Well, at the place of his last abode it might be taken in by a servant girl, who in all likelihood lighted the fire with it; and, in the meantime, the proprietor being quite ignorant of the procedure, the estates had passed into the hands of a receiver, and there was no means of getting out of that. He was only detailing to their Lordships a process which had been done again and again, and he could give them twenty cases in illustration of it. Nay, more, he believed that where the notice had been left at the owner's house, to the chances of reaching his hand, that in nine cases out of every ten that never happened, and the first notice which the proprietor had of the change effected in his position, was probably the letter giving him intimation that an attorney was to enter as receiver. In many cases notice had never been served at all by the attorney, who found it as easy to get men to swear his case, ruffians whom they would not believe at quarter-sessions—such persons were always skulking about, needy and ready to swear the service of a notice which they had never seen. He knew one case of a gentleman who for the time was resident in England, in which notice was left in the terms of the Act at the last place of his abode; but in his absence and his ignorance, his property, not large indeed, yielding about 300*l.* or 400*l.* was taken away from him; he was obliged to sell his commission, and he (the Earl of Glengall) was sorry to say he was now in a workhouse. To the attorney it was the finest thing in the world to be appointed a receiver, because the whole estates were entirely under his management. Probably, on the estate there were many tenants, both great and small, from whom, if they did not pay their rents, he likely took a bill at two months, or issued process of law. In the

case of his issuing process, he made upon that 2*l.* 10*s.* for expenses, which, though put upon the tenant, passed all into the pocket of the attorney. A short time after this process was issued, the expenses would become 17*l.* or 20*l.* He knew a case of some property in the south of Ireland, where seventy-five such processes were served in one day, upon every one of which so served the attorney realised a profit of 17*l.* or 20*l.* Why, it was a man's fortune to be appointed a receiver. Considering the terrible destruction to property which was ensuing from this system in Ireland, the Lord Chancellor and the Master of the Rolls determined that attorneys should no longer be capable of being appointed as receivers. But the attorneys, never without a shift, found substitutes who acted nominally as receivers, and under whom they appeared in the courts as attorneys for the cause. But, again, all rents were left in the hands of the receiver, and he was not obliged to account for them till fifteen months after. Not a farthing did he pay away to creditors—no account did he give till fifteen months after the collection of the rents, and until the Master in Chancery adjudicated that such and such sums must be distributed. All these evils of the receiver system had accrued in consequence of Pigot's Act, and he believed they could not do a better thing than repeal that Act, and place parties again in the position which they occupied previous to it with regard to judgments. Let them do those two things, and they would confer great benefit upon Ireland. The Master of the Rolls was aware of the evil to which he had been adverting, but he could do nothing to alleviate it. In a recent judgment pronounced by that learned Judge, he said—

> "In conformity with the decision of Sir Edward Sugden, he should comply with the prayer of the petition, and grant a receiver over the defendant's property. The Act in question had worked great injustice, but he hoped it would be the last case in which he would be called upon to appoint a receiver."

He said it was necessary further, that they should do something in regard to registry searches. No one would believe the amount which was necessary to pay for these expensive requirements. It was necessary, in some cases, to search for negative searches to the time of Edward III. And he knew one man who had enough, as he thought, to pay off the charges upon his estate; but when he had to pay for those searches, the sum left him was not nearly sufficient. He should suggest, instead of appointing a commission, with astounding powers, the Government should appoint some commissioners for the express purpose of aiding the Master of the Rolls, and the Masters in Chancery, the latter of whom held an office much more administrative now than judicial, in consequence of the immense mass of property, all the accounts of which and details they had to take, and review and regulate; that was now thrown into their office. It would be easy, indeed, with consideration, to effect a change in the present system of things, and then they would have no occasion for those triumvirs for confiscation of property, or for the superseding of the courts of equity. While he suggested, however, the appointment of a commission, he did not wish to see it endowed with the astounding powers which they proposed conferring on those to be appointed under this Bill. But he asked, how were those commissioners to sit—with closed doors? Were the public to be excluded? Was the press not even to be admitted? Was nothing to be heard of their proceedings till the decree was fulminated, and the notice of sale appeared in the *Dublin Gazette?* Again, as judgments in Ireland were so very different from what they were in this country, he was desirous of knowing whether these triumvirs were to inquire into the validity of the judgment, whether any money passed at all under it. In this country, if no money passed, if it had not been paid in hard cash, the judgment was not worth a farthing; in Ireland, however, it was different. No money whatever was necessary to have passed, or but one-half of the 1,000*l.* said to be raised under it may have been received. Nothing was more common than such cases, and especially in times like these; when people did not receive their rents, they went and consented to anything helter skelter, and signed judgment to the terms of the lender without objection. He did not hesitate to assert that in the case of half the estates in the country on which judgments had been obtained, not half the money had been received, for unfortunately the state of the law was such that as soon as the borrower had approved of the judgment, he was for ever after deprived of again opening the case. The attorneys, moreover, knew right well how to drive parties into such difficulties as compelled the borrower to submit to any terms which might be im-

posed upon him by the lender. Another effect of O'Loghlen's Act was, that the puisne creditor for perhaps 20*l.*, although twenty other creditors were before him in point of time, and before him in point of importance, if he happened to be the first to apply, took precedence of the first mortgagee, and got his money before him. The Master of the Rolls had commented upon this feature of the Act twenty times, and over and over again had said it was most unjust, but that he must administer the law such as it was. The consequence of the junior creditor having gone into the court with this preference in his favour was, that the mortgagee commenced a suit for the foreclosure of the mortgage, notwithstanding that just before he might have been perfectly satisfied to let it remain; but now that things were altered by the entrance of the junior creditor, he was compelled to commence a suit of foreclosure, and the effect was ruin to the owner. This measure had struck principally against the incumbered estates in the west of Ireland. The state of things there, in consequence of the failure of the potato crop, had introduced evils to an accumulated degree, and parties, he had been told, had induced the Government to bring forward this measure. He understood, but he knew not whether it was true, that a set of speculators in Manchester and Norwich said, "Get their titles at whatever price the market runs; we will purchase them, and we will commence a new state of things." He did not believe that they would realise six or eight years' purchase; and he did not think that those who purchased these estates would be very well pleased with their bargains. Some said that these estates in the west only wanted capital, skill, and labour to cause them to yield remunerative return. He had himself no property in that district, but he knew the state of things there, and he was satisfied that the great bulk of lands in the far west were not fit for cultivation, and that not all the skill, capital, or labour that could be bestowed upon these estates could cause them to produce crops fit for human food. He had seen men of money and enterprise who had purchased estates there ruined by their expenditure upon them. All that could be done with the lands in the far west, was to graze them with small kinds of cattle, as was done by the moors in Scotland. That was the opinion of the late Mr. O'Connell, who understood the subject well. These speculators, who expected large profits, would lose their money; and they deserved it, because they did not come honestly, but designed under the mask of patriotism and philanthropy to do with this waste land what they did with their patriotism and philanthropy—"buy it in the cheapest market, and sell it in the dearest." He hoped the House would not allow this Bill to pass in anything like its present shape. He had his fears upon it; but so surely as they did, there would be an end of the Union. There would be scarcely a man in Ireland who, when the Bill should be understood, would not then throw up his cap for repeal, and cry out for a Parliament in College-green.

Lord BROUGHAM wished to know how the commissioners under the Act were to take testimony—whether by affidavit or *viva voce*, or whether there was to be any restraint upon them in that respect?

Lord CAMPBELL said, it was left entirely to their discretion, to proceed *viva voce* or by affidavit.

Lord BROUGHAM wished to ask another question. Let him suppose he was a claimant to an estate of which another person was in possession, who, conscious of the infirmity of his title, sold it at once, while he did not come forward with his title. His estate would thus be sold to a purchaser who, under this Bill, could thus show a good title as against him. He saw no rule in the Bill applicable to such a case, or to reserved biddings. If, for instance, the estate was sold for only five years' purchase, he saw no means in the Bill of rescinding that sale. Could there be a reserved bidding, or could the parties buy in? and if they bought in, out of what funds were they enabled to do so?

Lord CAMPBELL said, there were no rules in the Bill, but it gave the commissioners power to lay down rules which would be submitted to the Privy Council of Ireland. The commissioners were armed with the most ample powers, and they could refer any question that might arise to a court of law, and direct issues to be tried by a jury.

Lord BROUGHAM: Suppose no claimant appeared before the commissioner?

Lord CAMPBELL said, that notice would be given to all the world to come in, and their claims, if they had any, would be heard.

Lord MONTEAGLE said, that the

noble Earl (the Earl of Glengall) had made an irresistible case; and the replies of the noble and learned Lord to the questions of his noble and learned Friend furnished him (Lord Monteagle) with a reasonable distrust of the Bill. That the object of the Bill was a desirable one, he fully and entirely admitted; and if the Bill would give greater facilities for the transfer of property in Ireland, no one could be more friendly to it than he was. He contended, however, that the remedy it provided for the existing difficulty of transfer would be imperfect. When the Encumbered Estates Bill was under discussion last year, he urged upon his noble and learned Friend the acceptance of a short form of conveyance. And what was the answer he received? Why, his noble and learned Friend said—

> "No, never go into the question of a Parliamentary form of deed. You once set out a form of recognisance in the case of election inquiries, and a departure from that form was held to be fatal, and the recognisance good for nothing. If you were to set out a Parliamentary form of conveyance, it would be exactly the same."

He (Lord Monteagle) bowed to the superior authority of his noble and learned Friend; but he now found that he had, in the Bill before their Lordships, adopted the very suggestion which at that time he rejected. Again, the House must bear in mind that this Bill was not to be taken alone, but must be considered in connexion with another Bill. If they took the Bill as it stood, it would appear that it merely gave a simpler, cheaper, and more expeditious means of attaining the same object as, without such a measure, was now attained only by a more circuitous and expensive process. But it was not so. It did another thing. There were, practically, new principles laid down, deduced from Acts of Parliament, which were passed with another intent, and were never intended or perceived until this year to involve such results as he would explain; which principles engrafted themselves upon this Bill, and necessarily formed a part of it. The Bill to which he alluded, and in connexion with which the present measure was to be viewed, was the Bill for the amendment of the new poor-law. And he begged to call the especial attention of their Lordships to the few facts upon which he was about to dwell. In Ireland a power existed, at the discretion of the Crown, to appoint vice-guardians for the purpose of administering the poor-law. These vice-guardians were not necessarily connected with any part of the district over which they were to act: they were not responsible to any ratepayers, and they had an unlimited and uncontrolled discretion to impose on that district any amount of rate they might think fit. By the exercise of that power, they might create any amount of debt upon any estate or upon any district; and by a clause in the Bill to which he referred, power was given to recover the rates by proceedings in the superior courts in Dublin. This clause met with no opposition in their Lordships' House. It was stated in its support, that there were cases in which the decision of a superior court would be required; and he was of opinion that such cases might arise, and that a power of resorting to a superior court was necessary. It was also suggested that there might be cases in which the influence and authority of persons in Ireland would be such as to enable them to exercise a power over the inferior courts that would make those courts liable to be distrusted. But within the last year it had been discovered by an equity lawyer, that, as an incident to the power of going to the superior courts, there was the power of entering a judgment in all those cases; and upon the judgment so entered, it was considered that there was a power given to sell the freehold estate that might be subject to that judgment—a power which had never before been dreamt of in respect to the recovery of such taxation. Now, he put it to his noble Friend who had charge of that Bill in its passage through their Lordships' House, if Her Majesty's Government contemplated at the time of taking this power to recover in the superior court, that there was to be an incident connected with it which would lead to the sale of such freehold estates? They never did. He would answer the question for them. But further propositions are now made, which will accelerate the arrival of the incidental result he had described. For by a Bill now in progress through Parliament, they enabled proceedings to be taken in the inferior courts upon short notice at an expense of *4s.* or *5s*; they enabled the decree of this inferior court, represented by the assistant barrister, to be certified to the court in Dublin, and to be made a matter of entered judgment in Dublin; and then, under the Bill now before the House, they took a power of selling the estate upon that judgment. His noble Friend had had

the candour to admit that amongst the causes of the present depreciation of the value of land in Ireland, was the existing poor-law. And there were at this moment miles upon miles of country which were utterly uncultivated; not by any fault of the landlord, but solely by the default of the tenants, who did not pay their rates. The first step that was taken was to make the landlord responsible for the whole of the rates, which were a debt not of his own, but solely of another's contracting. Then summary proceedings were taken against him before the local court, whose decree being certified to the superior court in Dublin, judgment would thereupon be entered. Then came the Encumbered Estates Bill, under the operation of which the estate might be sold; and this, not for the debt of the owner, be it remembered, but for the debt of the tenant, who, having first defrauded his landlord of his rent, in the end took as his accomplice the Legislature of the United Kingdom for the purpose of defrauding him of his estates. The noble Lord then suggested that the Bill should be referred to a Select Committee, and recommended the introduction of a clause providing a cheap and expeditious method of dividing lands between persons who might now hold in common. Many estates were at the present moment held by two or three proprietors in common, and very frequently when two out of the three (being men of enterprise and capital) were anxious to improve the land, they were prevented from doing so by the joint title of the third, who was opposed to taking the steps which were necessary for that purpose. It was impossible for any one conversant with the proceedings of the Court of Chancery in Ireland, to doubt the propriety of leaving the landlords as free as possible to do the utmost for the improvement of their estates. By a return in reference to 1841, it appeared there were then certain causes in Chancery, in Ireland, affecting estates which, when the receivers were appointed, owed 39,000*l.* arrears; and, according to the last account, the arrears had increased to 347,000*l.* Thus, when they saw ruin and devastation in some parts of Ireland, and the neglect of every duty which landlords ought to perform, and which the Irish landlords were sometimes indiscriminately stigmatised for not performing, these evils might be traced to the superintending authority of the supreme court of equity in that country; and if they were left unredressed, Parliament would be held responsible for them. With respect to the time chosen for the introduction of this Bill, he thought it was open to objection. There was never a period in the history of that country in which its property was reduced to such a state of wretchedness and misery as at this moment, and more especially the land of the smaller proprietors. A case was mentioned in the last set of papers laid upon their Lordships' table of an unfortunate lady who was in the possession of property which amounted to 400*l.* or 500*l.* a year. For several years she had not received a 6*d.* from the land; the tenants absconded, and at length she was reduced to the necessity of applying to the poor-law officer for relief. The estate of which she was the owner was encumbered with an arrear of poor's-rate (not due from her, but from her tenants), amounting to upwards of 170*l.*; and what would be the result? Why, that by the Bill now under consideration that poor woman's property would be confiscated. They ought not, he said, to enable their own officers to heap debts upon estates, and then to enter judgment upon the properties of those who had not contracted any debt. These were evils that only required exposure, and he was sure they would not be sanctioned by their Lordships. He called upon them not to pass Bills which would declare legislative war against a class that was now the most suffering in Ireland, and that, too, a class on which the administration of those laws depended. He did not mean to say that a change in some possessors of property in Ireland might not be desirable; for it was impossible that land in Ireland could continue in its present position, for instance, looking to those classes engaged in the actual cultivation of the soil, it was impossible to find farmers to sow, because they did not know that they should reap. But he also said that, in seeking for new purchasers, they might find it difficult to procure them. The ordinary motives of mankind would govern in this as in other cases; and individuals would not be found to invest their capital where it was, from vicious legislation, neither safe nor profitable.

The Earl of WICKLOW believed that many of the arguments which had been used in the course of the present debate, might more properly have been used in the Committee on the Bill, when the details came under consideration; for he had not

heard a single argument advanced against the principle of the measure. The present Bill did nothing but establish the machinery for carrying into operation the Act of last year; the only point with respect to which the Bill under consideration went further than the Bill of last year being that which related to the transference of powers from the Court of Chancery to the Commission; and he certainly had a strong impression that the three commissioners, being chosen from among the most able lawyers in the country, would be infinitely more competent to direct their energies to this particular matter than the Court of Chancery, with a vast accumulation of business constantly before it. He found an argument favourable to this provision of the Bill in what had fallen from the noble Lord who had last spoken, in reference to the state of property under the Court of Chancery. He had heard nothing to justify the suggestion that the present Bill should be sent to a Committee upstairs, for he thought it might be just as well considered in a Committee of the whole House; and with reference to the reason urged for a Select Committee, that their Lordships might there have the assistance of Irish lawyers, he must say that, though he had the highest respect for the present Irish Master of the Rolls, and would readily take his opinion on the construction of an Act of Parliament, yet he did not want that learned individual's assistance as a legislator. He believed that their Lordships, and the Members of the House of Commons, were as competent to frame laws as any lawyers, and he regretted that there prevailed too much a practice of leaving to lawyers the consideration of these matters. The noble Lord who spoke last objected to the particular time at which the present measure had been introduced, and had mentioned a certain case in support of his objection. He (the Earl of Wicklow) thought, however, that that case constituted no argument against the time at which the measure had been introduced, because, if many individuals were in the same unfortunate condition as the lady referred to, it would be an advantage to them to have an easy mode provided by Parliament, enabling them to obtain something, where they had now nothing, by disposing of their property. Having stated thus much, he must admit that he was by no means sanguine as to the probability of any great effects being produced by the measure. He believed that such was the state of property in Ireland, and such the existing panic, that no class of purchasers would be found from one end of the country to the other. But it might be said that English capitalists would invest money in the purchase of land in Ireland; still he conceived that such would not be the case; for, in his opinion, nothing more calculated to deter English capitalists from investing money in the purchase of Irish land could have been adopted than the Rate in Aid Bill; consequently, for the first two years after the passing of the present measure, he believed that the commissioners would be sitting at their desks receiving their salaries, and doing nothing else. This was, however, no reason why their Lordships should not amend the law which had been already established; and as an Irish proprietor he expressed his candid opinion in favour of the principle of the Bill.

Bill read 2ª.

LORD BROUGHAM then suggested that it should be referred to a Select Committee.

LORD CAMPBELL had no objection to accede to the suggestion if he were assured that the Select Committee was not asked for with a view to create unnecessary delay, or from hostile feelings towards the measure.

LORD BROUGHAM said, he should endeavour to amend those parts of the Bill which he considered objectionable; but he assured his noble and learned Friend that he would make no captious objections to the Bill in Committee, the main object of which, he admitted, had been sanctioned by the House.

The MARQUESS of LANSDOWNE said, what had been just stated by the noble and learned Lord confirmed him in his resolution to encourage his noble and learned Friend (Lord Campbell) to accede to the proposition of appointing a Select Committee. But he wished it to be distinctly understood that, in granting that Committee, the Government did not admit the right of the Committee to alter in any way the principle of the Bill as it had been stated by his noble and learned Friend; that principle being not only to facilitate the transfer of landed property in Ireland, but to do so by means of commissioners, to whom the powers of the Court of Chancery should be intrusted; for, unless the House were prepared to go that length, it

would be better to stop proceeding with the Bill altogether. It was upon that understanding alone that he gave his assent to the proposition of a Select Committee.

LORD STANLEY assured the noble Marquess, so far as he was concerned, and he believed he might say the same for those who had taken a part in opposing some of the more important details of the Bill that night, that if appointed members of the Committee they would go into it frankly, admitting the principle upon which the noble Marquess had said he would grant the Committee—that was to say, that the proposed Committee should deal with the Bill upon the assumption that new machinery should be formed, to which the power of selling encumbered estates should be transferred, and that the object of going into the Committee was for the purpose of considering in what manner that power might be more beneficially granted, and where it might be advantageously curtailed and guarded from abuse. He hoped too it would not be considered as going beyond the limits of the Committee if they considered in what manner that power might be extended to objects of a similar nature to those contemplated by the Bill. He did not desire, however, to bind himself, and he was not prepared to bind any other noble Lord, with respect to the course which they would pursue on the third reading of the Bill, when the Bill should have come out of the Committee, and when they should be able to consider it as a whole; but he could assure the noble Marquess that there was no desire either to frustrate the Bill by delay or to alter its principle. Their only desire was, that, being a Bill of a most extraordinary and exceptional character, it should not be carried further than the exceptional nature of the case required, and that the arbitrary and despotic powers which it was proposed to place in the hands of the commissioners, should not be more despotic and arbitrary than was absolutely necessary for the purpose of preventing greater evils—that, in short, the Bill should be made to work as effectively as possible, and as little injuriously as possible for the object in view. At the same time, he must say that he thought there were many clauses in the Bill which required the most serious consideration.

Bill to be referred to a Select Committee.

House adjourned till To-morrow.

HOUSE OF COMMONS,

Monday, June 11, 1849.

MINUTES.] NEW MEMBERS SWORN.—Sir David Dundas, for Sutherlandshire; Lord Guernsey, for Warwick County (Southern Division).

PUBLIC BILLS.—1° Small Debt Courts (Scotland); Mines and Collieries; Bankrupt Law Consolidation; Railways Abandonment; Australian Colonies; Benefices in Plurality; Turnpike Roads (Ireland); Assaults (Ireland); Palace Court (Westminster).

2° Collection of Rates (Dublin); Newgate Gaol (Dublin); Loan Societies; Sites for Schools.

3° Parliamentary Oaths; Silver Coinage; County Cess (Ireland); Sheep Stealers (Ireland).

PETITIONS PRESENTED. By Mr. Napier, from Islington, against the Parliamentary Oaths Bill.—By Mr. Pryse Pryse, from Adpar, Cardiganshire, for the Adoption of Vote by Ballot.—By Mr. Westhead, from York, for the Clergy Relief Bill.—By Mr. Fuller, from Cuckfield, against the Marriages Bill.—By Mr. Fox Maule, from Members of the General Assembly of the Free Church of Scotland, for the Abolition of Tests in Universities (Scotland), and for Discouragement to Intemperance (Scotland).—By Mr. Reynolds, from Dublin, against the Collection of Rates (Dublin) Bill.—By Mr. Wilson Patten, from Manchester, for Repeal of the Duty on Paper.—By Sir T. Birch, from Liverpool, for a Reduction of the Public Expenditure.—By Lord John Russell, from the Mauritius Association in London, for an Alteration of the Sugar Act of 1848; and from the Boot and Shoe Makers of the City of London, for the Establishment of Boards of Trade, and Home Colonies.—By Mr. J. B. Smith, from Dunfermline, against the Lunatics (Scotland) Bill.—By Sir Joshua Walmsley, from London, for the Abolition of the Palace Court (Westminster).—By Sir John M'Taggart, from Wigtown, against, and by Mr. Cowan, from Edinburgh, for an Alteration of, the Public Health (Scotland) Bill.—By Mr. Smollett, from Old Kilpatrick, against the Registering Births, &c. (Scotland) Bill.—By Mr. Loch, from Kirkwall, for an Alteration of the Law respecting Spirit Licenses (Scotland).—By Mr. Cobden, from a Number of Places, for deciding International Disputes by Arbitration.

FRENCH INTERVENTION AT ROME.

MR. HUME said, he had requested the noble Lord the Secretary of State for Foreign Affairs, to be in his place, as he intended to ask him a question with respect to the proceedings of the French against Rome. It was alleged publicly, in the French President's message, that this country agreed in all the proceedings the French had been carrying on against Rome, and as, in his (Mr. Hume's) view of those proceedings, they had been of a most objectionable nature—considering that the Government of this country depended on the will of the people as well as the Government of France and the Government of Rome, it was with regret he saw we were involved in the speech of the President in such a matter at all. He wished to ask, therefore, in what way we were connected with those proceedings, and how far our connexion extended?

LORD J. RUSSELL: As far as I am concerned, I have had no notice whatever of the hon. Member's question, and I did

not at all know he intended to ask any question on this subject. But I certainly did not read the message of the French President in the way in which the hon. Member seems to understand it. I understand the message of the President to say generally that England and France had been on the best terms during the transactions which had taken place during the last two years. But as to the particular expedition to Rome, we are in no way involved in it. The French Government—so far as I can recollect, not having had notice of the question—asked our opinion with respect to joining the conference at Gaeta, and we gave it as our opinion that we saw no objection to France sending a Minister to that conference. As to the expedition to Civita Vecchia, it is in accordance, we suppose, with the view the French Government took of its own interests, and we are not in any way connected with it.

MR. HUME: But Rome is mentioned specially in the message as one of the objects of policy in which we approved of the policy of France.

At a subsequent period of the proceedings,

MR. HUME said, that seeing the noble Secretary for Foreign Affairs now in his place, he begged to know whether he had rightly understood him to say, on a former occasion, that the French Minister had communicated to him the intention of the French Government previous to the expedition to Civita Vecchia; and, if so, whether that communication included the march of the French to Rome? He would also be glad to know if the noble Lord approved or disapproved of what happened subsequently to the expedition to Civita Vecchia?

VISCOUNT PALMERSTON said, that the communication to which he referred on the occasion he alluded to, did not relate to anything further than the intention which the French Government had conceived in the end of November or beginning of December last of sending an expedition to Civita Vecchia; but there was no mention of what ulterior proceedings that expedition might undertake; and, speaking from recollection, he did not remember any particular communication respecting the sailing of that expedition lately.

MR. HUME: What answer did you give?

VISCOUNT PALMERSTON: The answer we gave was this—that it was not for us to judge for the French Government, but that in our opinion the difficulties which had arisen between the Pope and his subjects might be arranged by diplomatic intervention, and that in our opinion that diplomatic intervention ought to have for its object an understanding between the Pope and his subjects, by which the Pope, returning to Rome, would secure to the Roman people those constitutional institutions which were granted last year, and especially a practical and real separation between the temporal and spiritual authorities of Rome.

MR. HUME further inquired whether any intimation had been made to the noble Lord of the intention of the French Government to go to Rome, or to attempt to take possession of Rome?

VISCOUNT PALMERSTON: No such thing.

MR. J. O'CONNELL asked whether the views of the British Government, as explained by the noble Lord, were quite consistent with the principles professed by them, of not intermeddling in the affairs of foreign countries; and whether the noble Lord was aware of any want of sincerity on the part of his Holiness the Pope with regard to the giving of those institutions?

VISCOUNT PALMERSTON said, that Her Majesty's Government had received an intimation from various quarters that their concurrence in the proceedings about to be adopted at Civita Vecchia would be well received.

AN HON. MEMBER: From what quarters?

VISCOUNT PALMERSTON: From Austria, Naples, France, and the Nuncio at Paris. The Government declined taking any part whatever in them, seeing that, considering the geographical position of England, and the particular nature of the British constitution, they did not think we had the same motives either in these respects or in a religious point of view for joining in them. But they did make known to the Nuncio, by a written despatch through the Marquess of Normanby in Paris, precisely the sentiments he had just expressed as those which were entertained by Her Majesty's Government on the matter.

Subject dropped.

BANKRUPTCY BILL.

MR. J. STUART asked if it was the intention of Government to proceed without delay with the Bankruptcy Bill, which

had come down from the other House of Parliament. It was a Bill of the greatest consequence to the commercial community, and it was approved by the Lord Chancellor. He asked the question, because, though the Bill came down from the House of Lords on Friday night, contrary to usage, it was not read a first time, and did not appear on the Orders of the Day.

LORD J. RUSSELL said, that though the Attorney General had not moved the first reading of the Bill, he had fixed it for consideration before the other orders that day se'nnight. At the same time he must say, though he concurred in the general objects of the Bill, that there was yet a great deal too much matter of a complicated kind in the Bill and in its arrangements and details to enable him (Lord J. Russell) to say that the Government would take it up with all possible expedition. He hoped, however, the House might be enabled to pass the Bill in its general principles and arrangements in the course of the present Session. He understood certain representations had been sent up to the House of Lords as to the appointments and salaries under the Bill, to which their Lordships were bound to give attention. He should much regret to see the House obliged to appoint a Committee to inquire into claims and salaries after the Bill had been passed; and it appeared much better that the House should appoint a Committee previous to the passing of the Bill, than after it had become an Act of Parliament.

Subject at an end.

CANADA.

MR. HERRIES said, that, in the absence of the hon. Gentleman the Under Secretary of the Colonies, he took the liberty of applying to the noble Lord at the head of the Government on the subject of those extracts from papers of which, on several occasions, he had to ask the production. He did so in consequence of a question which had been addressed to the noble Earl at the head of the Colonial Department in another place. The noble Earl, in reply to that question, stated that the information which he had on that subject was derived from the Canadian newspapers, and that Lord Elgin, in a private letter, referred to the reports that appeared in various newspapers of the debates, and said that information would be derived from them. Now, on a former occasion, he (Mr. Herries) had suggested that possibly these extracts with respect to the Legislative Assembly of Canada might be in the possession of the Colonial Department, conveyed in some private letter. The noble Lord at the head of the Government was ignorant of the fact, as also, it appeared, was the Under Secretary for the Colonies, whom he acquitted of all insincerity in giving his reply. When Lord Brougham asked the noble Earl the Colonial Secretary, whether he had received any information from Canada, the noble Earl replied that all the information which had been officially received had been laid on their Lordships' table. When Lord Brougham then asked whether he was to understand the noble Earl to say that he had received no official or private despatch on this subject, the noble Earl stated, that all the information received had been derived from the Canadian newspapers, and that Lord Elgin, whilst sending private despatches, sent various newspapers containing reports of debates in the Assembly, from which the said information might be derived. Lord Brougham then remarked that it would appear that Lord Elgin had adopted the reports that appeared in the newspapers. Now what he (Mr. Herries) had asked for was, the production of those papers, authenticated by their transmission from Lord Elgin, and containing what would appear to be an account of what took place in the Legislature of Canada on the subject of this Bill, because upon those passages of the proceedings of the Legislative Assembly would depend, in his humble judgment, the degree in which Her Majesty's Government were responsible for not having timely interfered with respect to the deplorable events which had occurred in Canada.

LORD J. RUSSELL: I cannot correctly answer the right hon. Gentleman's question as to what has taken place in another House of Parliament; but what I have heard from Earl Grey is this—that Lord Elgin is generally in the habit of transmitting to him newspapers of any interest relating to Canadian affairs, and that he has received newspapers from Lord Elgin on this occasion, but without any reference, official or private, to them as containing correct accounts of what passed in the Canadian Assembly. I certainly should object to lay on the table a vast mass of reports of debates. I am told the persons who endeavour to give accurate reports in the House of Lords do not always succeed in doing so, owing to the difficulty of ascertaining correctly what passes there; and I do not think this House would adopt a very wise

course if they took up a whole file of newspapers and proposed to come to resolutions upon what they found there stated. In any case whatever I do not feel myself answerable for the production of Canadian newspapers on either one side or the other.

MR. HERRIES was not asking for debates, but for extracts from the proceedings of the House of Assembly, such as had been laid on the table of the other House.

LORD J. RUSSELL was aware that the former question of the right hon. Gentleman certainly did relate to Motions that had been entered properly on the journals of the House of Assembly. He did not know whether any of them could be taken from the Canadian newspapers, but would inquire.

Subject dropped.

PARLIAMENTARY OATHS BILL.

Order for Third Reading read.

LORD J. RUSSELL then moved the third reading of the Parliamentary Oaths Bill.

Motion made, and Question proposed, "That the Bill be now read the third time.

MR. LAW: Sir, in rising to make the Motion of which I have given notice, that the Bill be read a third time this day three months, I beg to assure the House, that nothing but an urgent sense of duty would induce me to present myself on this the last stage of the proceeding, to the exhausted attention of hon. Members; but the important alterations the Bill has undergone in the Committee (if not at the instance, yet with the acquiescence of the noble Lord who introduced the measure), render it necessary on my part to explain the objections I feel as well to the amended form of oaths, as to the dangerous innovations comprehended in the principle of this Bill. Nor is this the less necessary from the unusual circumstance of the exclusion of strangers at that precise period when the construction of the form of oath to be substituted was the subject of earnest and animated discussion in a comparatively thin House. Nor can it be deemed of small importance to ascertain whether more than two hundred dissentients from a measure having the same object, and introduced by the noble Lord in the last Session of Parliament, are still animated with the same sentiments, and equally prepared to record their votes in opposition to this Bill. The main object, however, of the Bill, the admissibility of Jews into a Christian Legislature, is not suggested by the title or preamble, and not indeed referred to until you arrive at nearly the conclusion of the clauses that make up this short Bill. It is entitled a Bill regarding Parliamentary oaths only; to be taken by Members not professing the Roman Catholic religion; and my first objection is, that whilst you impose on the Roman Catholic Members of this House the most solemn engagements that they will not employ the powers they possess as Members of the Legislature to subvert the Establishment of our Church in Great Britain and Ireland; yet this Bill now proposes to dispense with these solemn engagements with regard to the Jew, and to leave wholly unrestrained the enemy of Christianity itself. It may be true, that the Jews are indifferent to the doctrine and discipline of the Church; but if admitted to seats in the Legislature, they will have the power of dealing with the temporalities—the property and endowments of that Church—to say nothing of that general and extensive interference that Parliament has assumed, more especially of late years, in all matters vitally affecting the Church of England. The subject-matter of legislation, is the alteration of the oaths hitherto taken by Members of Parliament. The occasion demands in effecting such alteration, that especial care should be taken to require from all advocates of a voluntary system, and the opponents of the Church of England in general—that they should stand equally pledged with the Roman Catholic not to endeavour to subvert the Church as by law established, comprehending not only her doctrine, discipline, and authority, but the revenues and endowments of that Church. The real, therefore, though somewhat disguised, object of this Bill, is the admission of Jews into Parliament—without even the security afforded by the oath required of our Roman Catholic brethren, binding them not to employ their legislative powers against the Church of England. You propose then to communicate to the Jew wholly unfettered by any obligations of duty to Christianity (the basis of our constitution, in Church and State), a capacity to sit and vote in either House of Parliament—so often as the Jew shall find favour with the Sovereign to call him to the House of Lords—or shall persuade his Christian fellow-men to prefer him as their representative in the House of Commons. It is proposed, then,

to put the oath to be required of a Jew on the same footing as the oath required of Protestants—whether Churchmen or Dissenters, omitting in the case of the Jew the words "on the true faith of a Christian;" and we are to remain content with the affirmation of the Quaker and the Separatist. It may be said, the Church of England and the Church of Rome regard each other as rivals, or are in the nature of rival establishments; branches indeed of the universal Church. And the fear entertained of Rome may be held to be a fear of subversion by that Church, a fear that the Church of Rome may be established on the site, so to speak, or on the ruins of the ancient English Church. The fear entertained of Dissenters is a different fear—not of subversion with a view to a transfer of the revenues of the Church of England in favour of one or more sect of Dissenters, but a fear of spoliation—confiscation to alleged State purposes—in relief of burdens and taxes, or, as it may please them, in reduction of the national debt. But to return to the Jews, I will endeavour to show that it is a complete fallacy to argue that the Jews ought to be admitted to the Legislature on the plea that all natural-born subjects of the Crown are admissible to Parliament. I pray the House to recollect on what terms they existed in this country under our early kings—from the Conquest more especially to the 18th of Edward I., the period of their banishment. Alternately protected and pillaged by the Crown, their *status* or position could not be regarded in those times as being practically higher than that of villeins generally—in the most favourable circumstances, a few excepted individuals perhaps might even then be regarded in the light of merchant strangers; but still as strangers—sojourners in the land, having no abiding place beyond the purposes of trade, a temporary residence and dwelling—an interest therein fleeting and transitory—the condition of individuals and of their community ever shifting and migratory. I am confirmed and fortified in this view of the earlier condition of the Jews in this country by the authority of the learned commentator on the laws of England, Mr. Serjeant Stephen, and by the text retained in his commentaries, in the edition of his valuable work published in 1842, Volume Second, page 428:—

"There is a portion (it is there stated) of the natural-born subjects of this nation whose case is in some respects peculiar. The Jews born within this realm were formerly subject to many hardships and degradations, and appear to have been scarcely considered in any other light than that of aliens."

It will be necessary to trace their earlier history, to notice the vast improvements effected in their legal position since 1842, by the statutes passed in 1845 and 1846. And in tracing that history, and in noticing the advances they have made in their social position and legal privileges, we must never lose sight of the impediments their religion, their customs, their peculiar laws and observances; above all, in respect to intermarriages with Christians or others than Jews, necessarily present to their actual incorporation with any other nation or people of the earth. These are impediments that no time or circumstances can remove. They are obstacles the Legislature itself can never surmount. To advert at present to the important changes in their favour effected by very recent statutes, would be to anticipate the line of argument; nor can the full force of those changes be appreciated without reference to their former *status* under the laws those statutes have repealed. The authorities on which I rely are mostly to be found either in the text, or by reference in an interesting and valuable work, entitled *Anglia Judaica, or the History of the Jews in England;* compiled by Dr. Tovey, LL.D., and Principal of New Inn Hall in Oxford. The edition to which I refer is of the year 1738. The history is professedly "collected—(and the contents fully bear out the allegation)—from all our historians printed and in manuscript, as also from the records in the Tower and other public repositories." It had been supposed that the Jews were first brought over by William the Conqueror, A.D. 1066; but the error is corrected by Spelman, from the notice that appears of them in the Laws of Edward the Confessor, which declare "*Judæi et omnia sua Regis sunt,*" 1 Leg. Confess. c. 29, hence their ancient vassalage; but as early as the year A.D. 740, Christians were forbidden to be present at the Jewish feasts in England. In the time of William Rufus, though much their friend from interested and sordid motives, the only place of interment allotted them throughout the kingdom was a large spot of ground without the walls of the city of London, in the parish of St. Giles, Cripplegate, called the Jews' Garden; but in the 24th Henry II. a burial place was allowed them on the outside of every city where they dwelt,

King Richard I. being greatly incensed by the burning of many evidences of money due to the Jews, which of right, as he alleged, belonged to him after they were dead, it was ordained that all effects belonging to the Jews should be registered. Justices of the Jews were appointed to attend their business exclusively at the Exchequer. The method of proving a deed was, by the testimony of both Christians and Jews, according to a charter of the second of King John. In trials between Christians and Jews the *venire facias* was *sex probos et legales homines, et sex legales Judæos.* The Jew creditor, in acknowledging the discharge of a debt, acknowledged the same *coram justiciariis nostris ad custodiam Judæorum assignatis :—*

"The justices of the Jews were such persons as attended in a particular part of the Great Exchequer, called *Scaccarium Judæorum*, or *Judaismi*, on the revenue arising to the King from the Jews; in the same manner as the treasurer and barons at the Great Exchequer upon the general revenue of the kingdom. Two Jews were at one time such Justices, and there is extant the record of their appointment, 2nd Henry III., and instances are cited from Madox's *History of the Exchequer* to the like effect."

Justices of the Jews were generally judges in all civil matters where a Jew was one party, and their jurisdiction was enforced by writ of *supersedeas* or prohibition, concluding in such terms as these, *Secundum legem et constitutionem Judaismi;* and Lord Coke, in his Fourth Institute, takes notice of "Court of Justices of the Jews," page 254:—

"Notwithstanding the charter of privileges granted by King John to the Jews, he claimed an absolute property in them, and the right of discharging a debt due to the Jews as a debt due to himself."—*Anglia Judaica.*

The Jews being the only tolerated usurers (the Statute of Merton, cap. v. so expounded by Lord Coke, 2nd Institute, p. 89), the statute *De Judaismo* enacts that no Jew hereafter shall take usury. And it was time that the law should interfere "when they usually took fifty in the hundred." In the 55th of Henry III., an Act of Parliament passed, which not only restrained the Jews from purchasing any lands or tenements for the future, but actually vacated all purchases which they had made at any time before restoring them to their first Christian owners upon repayment of the consideration money without interest. Enacting that whatever purchases they made for the future should immediately become vested in the Crown —with reservations that they might retain such houses as they inhabited themselves, or let out to other Jews, and likewise repair or rebuild upon any ancient foundations they were already possessed of, &c., &c. Besides these restrictions, with others, it forbade them to sue by any original writ out of Chancery :—

"Nullus Judæus implacitet, vel placitare possit per brevia nostia originatia de Cancellariâ, sed tantium coram Justiciarus nostris ad costodiam Judæorum assignatis per Brevia Judaismi consueta et hactenus usitata."

King Edward regulated the Jews after his father's model: justices of the Jews were assigned, and the Jews themselves restrained to dwell in this or that particular town, according to ancient custom. In the third year of his reign, was passed the Statute of Judaism, and I beg to call particular attention to the terms of the following passage, seeing that the Act itself was repealed only on the 18th August 1846 :—

"And the King also grants that they may practise merchandise, or live by their labour, and for those purposes freely converse with Christians. Excepting that upon any pretence whatever they shall not be levant or couchant amongst them, nor on account of their merchandise, be in scots, lots, or talliage, with the other inhabitants of those cities or boroughs where they remain, seeing they are talliable to the King as his own vassals, and not otherwise."

A power is indeed given to purchase houses; but with regard to lands and services in respect to lands then existing, the statute proceeds :—

"Moreover the King grants that such as are unskilful in merchandise and can't labour, may take lands to farm for any term not exceeding ten years, provided no homage, fealty, or any such kind of service or advowson to Holy Church be belonging to them."

Lord Coke, in Calvin's case, said, that an eternal enmity was necessarily assumed to exist between infidels and Christians, and that they were incapable of prosecuting a case in a court of justice—that they had no *locus standi* there. I rejoice that our treatment of the Jews has been greatly altered since those days; but I allude to Lord Coke's opinion with regard to the Jews, because in tracing their early history everything confirms the view that Lord Coke's sentiments were supported by the law in those days. The 3rd of Edward I. was a statute partly of prohibition and partly of protection to the Jews; but in no sense could it be reconciled with the idea of their possessing the ordinary rights and privileges of natural-born British subjects.

They were expressly prohibited from holding land, except to farm for ten years, as we have seen: the statute forbade them to sue by any original writ out of Chancery: so long as they were permitted to dwell in this country, they were exclusively assigned to the custody of the justices of the Jews. In A.D. 1290, the recent statute, *De Judaismo*, being in full force, the whole of the Jews in England, to a number approaching 17,000, were banished: and they retired from the country "under the protection of the King." After an interval of more than 300 years, they began to reappear in this country. They were silently readmitted in very small numbers under the Protectorate. They formally petitioned to be readmitted; and their case, the legality of their admission, was argued before Cromwell, but with no satisfactory result. It is indeed matter of history, if I may speak it without blame, that an Asiatic Jew, deputed by his brethren came into this country to ascertain whether the Lord Protector had any Jewish blood in his veins, and whether he might be truly regarded as the promised Messiah. The application of the Jews was first addressed to the Council of War on the death of King Charles the First, and they petitioned for a repeal of the law in force against them, which failing, after some deliberation amongst themselves, they agreed upon Rabbi Manasseh Ben Israel, a man of much repute and learning as their representative, and sent him over from Holland attended by several of the richest merchants. He drew up and presented a petition addressed

"To His Highness the Lord Protector of the Commonwealth of England, Scotland, and Ireland," and entitled "The humble address of Manasseh Ben Israel, &c., in behalf of the Jewish nation, to grant us place in your country, that we may have our Synagogues and free exercise of our religion, &c. &c. as our brethren do in Italy, Germany, Poland, and many other places, &c." Then followed "A Declaration to the Commonwealth of England by Rabbi Manasseh Ben Israel, showing the motives of his coming into England."

These documents are remarkable, as showing the distinctive character of their nation and religion—speaking of their universal dispersion to take place preparatory to their ultimate reunion—an event, which they seemed to apprehend, was at that time drawing nigh to its accomplishment. The Jews being suffered by Cromwell in very small numbers to creep into this country again, although their petition was not granted, and no law affecting them was repealed in their favour, were notwithstanding relieved by Charles II., from the payment of the alien duty outwards, which all other classes of aliens were required to pay. That relief, however, was objected to by all other British merchants throughout the country, and especially by the merchants and corporation of London; and King William, afterwards by an Order in Council, dated 14th of October, 1690, revoked their exemption, and by revoking it, and re-enforcing the duty, gave by this Order in Council the strongest declaration that his Government in those days of civil and religious liberty, considered the *status* of the Jews merely that of merchant strangers liable to the alien duty outwards—a tax to which no natural-born British subject was liable. It is totally irreconcilable with the Christian constitution of this country to allow the Jew to legislate for it; but it had been argued on the opposite side (by the noble Lord the Member for London) on a former occasion, that only in a modified, not in an exact sense, was Christianity a part and parcel of the common law of the land. As if it was so only to the extent of affording a foundation for criminal proceedings in case of an injurious attack upon the established religion of the country. The case of a bequest of 1,200*l.* towards a charity for affording instruction in the Jewish law alone, and not in the doctrines of the New Testament, came before Lord Chancellor Hardwicke, who gave it as his opinion, that the bequest being intended to advance the Jewish law, was a contravention of Christianity, and gave judgment that the bequest fell under the jurisdiction of the Crown for its application to a charitable purpose, totally different from the object of the donor. Accordingly 1,000*l.* of the money was applied by the assent of the Crown to the purposes of the Foundling Hospital. All this clearly showed that the Jews were not in the disposition of their money in the advancement of the Jewish law and the Jewish religion; and as it regarded charitable bequests, having these objects considered in the same light as British subjects, making bequests in favour of the national faith of Christianity, part and parcel of the law of the land — but were to be regarded as aliens in religion at least, and their bequest, if not forfeited to the Crown, to be diverted by the Crown, when they were made in contravention of that religion, the basis and foundation of the laws of our Christian country. But the language of Lord Hardwick's judg-

ment sustains my proposition to its full extent, whilst that judgment rests also on the concurrent *dicta* and decision of that great authority of the law, Sir Matthew Hale, and of Lord Raymond. So early indeed, as the time of Henry VI., it was laid down and established by the Chief Justice of the Common Pleas of that day, and has ever since been acknowledged, that "the Holy Scriptures was our common law on which all manner of laws were founded." However, with the permission of the House, I will read a short extract of this case of De Costa and De Paz, decided by Lord Hardwicke in Michaelmas term, in the 17th year of the reign of George II. His Lordship there says—

"But this is a bequest for the propagation of the Jewish religion, and though it is said that this is a part of our religion, yet the intent of this bequest must be taken to be in contradiction of the Christian religion, which is a part of the law of the land, which is so laid down by Lord Hale, and Lord Raymond: and it undoubtedly is so, for the constitution and policy of this nation is founded thereon."

And this decision of Lord Chancellor Hardwicke would still be applicable to similar bequests, but for the change effected in the law by a very recent statute—the 9th and 10th Victoria, cap. 59, section 2, and to which it will be my duty to advert. In fact, of late years, we have not only acted liberally towards the Jews, but have gone to the extreme limits of the constitution in their behalf. I cannot but consider that to render them capable of holding municipal offices and judicial appointments in corporations, by enabling statutes, and the offices of sheriffs and magistrates under the Crown, by the aid of the Indemnity Bill, a very great stretch of Parliamentary authority; and if we go further, and admit them to Parliament, this will be the first British Legislature that has altered and accommodated the oaths to this object. Considering the oaths that we have imposed upon the Roman Catholics, it surely is not to be endured that the Jew should be invested with a capacity to innovate upon the Established Church, or to despoil it of its revenues. To accede to the prayer of the Jew, I feel to be utterly incompatible with their position as aliens to our constitution in Church and State; and with that security, which the State has a right to demand of all its subjects in behalf of an establishment which the Crown itself is bound to uphold and protect. By the 8th and 9th Victoria, c. 52, Jews are admissible to all offices in municipal corporations, on making the declaration therein set forth, in lieu of that enacted by the 9th of George IV. c. 17; but they are still called upon to engage not to injure or weaken the Established Protestant Church, though that engagement be no longer made "on the true faith of a Christian." By the 9th and 10th of Victoria, c. 59, the Jews are placed on an equal footing with Her Majesty's Protestant subjects dissenting from the Church of England, with respect to their schools, places for religious worship, education, and charitable purposes, and the property held therewith. And, therefore, it cannot be fairly said that the exclusion of the Jew from our Christian Legislature alone, is the remnant of the old persecuting spirit. I speak it without intending any offence, in repelling a charge made against the opponents of this measure; but I utterly deny, that I, with others, evince any sectarian animosity, or religious bigotry, in wishing to adhere to a Christian constitution, by excluding from the great councils of the nation those who regard the Divine Founder of our religion as an impostor, and believe, that to mix themselves by blood with its professors to be a profanation. I rather believe that in taking this course, I am only duly reverencing that religion we all profess; and although it may be very true that the number of Jews who would be admitted would be very few indeed, if they were allowed to enter; yet I believe we should be dealing a very grievous blow against the character and fame of this House and the other branch of the Legislature, and should be showing to the people of this country at large, whether you attempt to deny it or not, that we are indifferent to the most important subject of all that has ever come before us. We are often pressed with the argument that we have made various concessions to the Jews, and that in many particulars they are British subjects. It is urged that a Jew may be a juror, a high sheriff, or a magistrate; but the very fact of showing that these privileges were of recent origin, is a proof that until those concessions were made, there was not a *status* for the Jew as a British subject in this country. There was a time, when in the case of the trial of a Jew, the Jew could demand one half of the jury to be Jews; and, I ask, was he then recognised as a full British subject? There was a time also, when, in all questions of debt between a Christian and a Jew, the jury was composed one half of Christians, and the other of Jews, when

a Christian witness was required, in addition to the witness of the Jewish persuasion, to establish or to release the debt; but these grievances, it will be said, have been since removed, together with the statute and ordinance of the 54th and 55th Henry III., and the statue or ordinance commonly called *Statutum Judaismo*. But it was deemed necessary to repeal these obsolete statutes, and to rest the legal rights of the Jew upon a better foundation than the received opinion of the day. I will not now allude to the attempt made by legislation to naturalise Jews in 1753, or to the repeal of the statute the following Session. I concede that by the 10th George I., the words "on the true faith of a Christian," were omitted from the oath of abjuration when taken by the Jews. I give full effect to the statute that encouraged a seven years' residence in our American colony, as a qualification to become a British subject in the case of a Jew; but, reviewing all these concessions, and without attempting their repeal, what grounds do they furnish to concede a seat to the enemy of Christianity in our Imperial Christian Legislature? Having drawn whatever information I could obtain from sources the most friendly and favourable to the Jews, and from authors the least disposed to place unnecessary burthens or restrictions on them: from those who have commiserated their condition in adversity, and attributed their undoubted crimes to the oppressions with which they were visited; it remains for me only to point out how irreconcilable their actual condition is, and ever has been, with a real incorporation with any other people or nation in the world. That it defies the power of Parliament itself—which is supposed to reconcile all things not naturally impossible—to fuse into one nation the discordant elements of a Jewish and a Christian community. A learned Prelate, Bishop Thirlwall, indeed, is reported to have argued thus—

"Take away the religious difference, and there would be no more reason for treating the Jews as aliens, than any of the other races which compose the elements of our mixed population."

Does not the argument of the rev. Prelate beg the whole question?—Nor can I agree with the same rev. Prelate in thinking that—

"By giving your assent to this Bill you will be hastening the approach of the time when the veil shall be taken away from the eyes of the people for whose relief it is designed."

To employ the eloquent language of the modern and accomplished author of the *History of the Jews*—

"Refusing still to mingle their blood with any other race of mankind, they dwell in their distinct families and communities; and still maintain, though sometimes long and utterly unconnected with each other, the principle of national unity. Jews in the indelible features of the countenance, in mental character, in customs, usages and laws, in language and literature, above all in religion, in recollections of the past, and in the hopes of the future. Denizens everywhere, rarely citizens even in the countries in which they have been the longest and most firmly established, they appear to a certain degree strangers or sojourners; they dwell apart, though mingling with neighbours in many of the affairs of life."

And again—

"For common purposes they adopt the language of the country they inhabit, but the Hebrew remains the national tongue in which their holy books are read, and their religious services conducted: their perpetuity, their national immortality is at once the most curious problem to the political inquirer; to the religious man a subject of profound and awful admiration."

We must look therefore to some other cause than the alleged principle of this Bill for its introduction, and the urgency with which it is advocated. The fact is, that the Jews, by their connexions, can command the money market all over the world; and the money market is the secret why it is sought to admit them into this House. It happened that the same constituency that was distinguished by being represented by the noble Lord opposite, had associated with him a gentleman of the Jewish persuasion; but I presume to tell the noble Lord, not to reckon upon the result of any future experiment of this sort—for a very sensible man has stated to me (I will not publicly mention his name, but he is a very respectable person, and I will, if necessary, mention his name in private), that he was one of those who strongly advocated the admissibility of the Jews, and had therefore voted for Mr. Rothschild; but, he added, "make him admissible, and I will never given him another vote." Is it from the idle notion of paying a compliment to a millionaire, who happened to be associated with the noble Lord at the head of the Government, or is it in consequence of his wealth and his influence, especially in the contracting of loans, and in the money market—that this measure was brought forward? Was it introduced from any other accident, than because he is the colleague of the noble Lord at the head of Her Majesty's Government, and a rich man well backed on

the Stock Exchange? For out of 40,000 Jews—the entire number which it is said are in the country—two thirds are located in and near London; and he had the full benefit of all the aid those gentlemen could give him. Why, I would venture to ask, should we break through the fundamental principles of the British constitution to pave the way for the admission of the Jews into Parliament? I do not agree with my hon. and learned Friend (Mr. Roebuck), who shook his head, that the smallness of the object is a reason for not opposing the measure. The question in truth is this—will you break down the principles and prostrate the bulwark of the British constitution, to admit the colleague of the Prime Minister into this House? I do not mean to question the noble Lord's sincerity or consistency in bringing forward this proposition; but the stability of the country depends—under the Supreme Disposer of events—upon the maintenance of our institutions on an exclusively Christian foundation. In conclusion I beg to move as an Amendment "that the Bill be read a third time this day three months."

MR. RAPHAEL, in seconding the Amendment, said, that though this new Bill, instead of being called "The Jews' Bill," came to them under the more refined appellation of "The Parliamentary Oaths Bill," the object of both measures was the same—namely, the introduction of Jews to Parliament — homage being thus paid to Mammon. He had always been a staunch supporter of Her Majesty's Government, and whether he received their smiles or their frowns they would always find him in their hour of need; but having opposed this Bill silently hitherto, he felt that it now behoved him to say a few words. He had heard nothing new in favour of this Bill, except what had fallen from the hon. Member for Leominster, whose first speech had not only justified, but even exceeded, the expectations of the House and the public. Great as was his admiration for that hon. Gentleman's talents, he must confess that he had not been proselyted. His main objection was unremoved; and as other hon. Gentlemen had repeated their line of argument, he would briefly repeat his own. This was a Christian country, having a Christian Monarch, a Christian constitution, and a Christian House of Commons. Although hon. Members might differ on minor points, they all hoped to be saved by and through the merits of one Lord and Saviour; and this one Lord and Saviour the Jews called a blasphemer and an impostor, pronouncing upon themselves that dreadful anathema, "His blood be upon us and upon our children." If the Jews only went as far as the Turks, the case would be different: he might then be induced to modify his opposition. Many hon. Members might not be aware, but it had been stated to himself by expositors of the *Koran*, that the Turks believed that our Saviour was born of the Virgin Mary, and that he was a great Prophet, inferior only to their Mahomet. The Bill would, he feared, pass that House; but then he hoped the brave Peers of England would reject it, and that, too, by so large a majority that no similar measure would ever afterwards be proposed. In the Turkish language there was this proverb, "As the mountain will not come down to us, we must go to the mountain." Now, the Jews, reversing the order of things, wanted the mountain to come to them; they wanted to have an oath framed which would satisfy their Judaical scruples. If this Bill were passed, and he were ever again returned to that House, he would, on taking the oath, repeat loud enough to be heard on all sides the words, "The true faith of a Christian." If a former measure were, in the words of the hon. Baronet the Member for the University of Oxford, "a godless Bill," *à fortiori*, this was a Christless Bill, introduced to gratify the vanity and ambition of some half-dozen people. He would give the Jews a piece of advice: it was, that they should remove the veil from their eyes, believe in the sacred mysteries of our holy revealed Christian religion, and embrace its sublime and heavenly maxims; then they might approach the table of the House boldly, and, on "the true faith of a Christian," take their seats, without being indebted to any one. After adverting to the fact that, as a Roman Catholic, he had been recently admitted to a seat in that House, and expressing his gratitude for that admission, the hon. Member concluded by stating that he felt bound to oppose the Bill *vi et armis*.

Amendment proposed, to leave out the word "now," and at the end of the Question to add the words, "upon this day three months."

MR. W. KEOGH was sure that the hon. Member for St. Albans, who had just addressed the House, had acted in a manner for which the Jewish population of the country must feel deeply indebted to him. He had made the extremely honest pro-

posal that they should cease to be Jews, and should become Christians, and then he would have no objection that they should take their seats in that House. Suppose such a proposition had been made in those days when the members of that religion to which he (Mr. Keogh) as well as the hon. Member for St. Albans belonged, were precluded from entering that House, what would the hon. Gentleman have thought of it? How would the hon. Gentleman, when he sought admission into that House, like to have been met with this proposition—"You have nothing to complain of—you are an unreasonable class of human beings, for what have you to do but abandon every feeling of conscience, come down and forswear yourselves at the bar of the House, and then you will be admitted within the pale of the constitution." He deeply regretted to find voting against this measure a member of the Roman Catholic body, who for centuries had felt the iron enter into their own souls, and the chain of the oppressor, and had been constant appellants for justice. He regretted that a member of a long persecuted body, having at length found his way into that House, should be amongst the first to shut the door against others who sought admission. He (Mr. Keogh) would take up the oath taken by Roman Catholics, and he would ask the hon. Gentleman the Member for St. Albans, where did he find in that oath the words, "true faith of a Christian," which he promises to repeat aloud when next he takes the oath? To meet the wishes of the hon. Member for St. Albans, the Catholic oath should also be changed in that respect. It was said that the same arguments had been used over and over again against this measure; and the same observation with the same intention had been made when members of his (Mr. Keogh's) religion were seeking admission into that House; but in his hearing they had not been oftener repeated than they were satisfactorily refuted. What were the arguments against the admission of the Jews into the House? To his mind two general propositions had been urged against their admission: first, that they are aliens in this country; and, next, that their admission would unchristianise the Legislature. Now, suppose a Jew belonging to this country were to go to another country, and that a war having broken out between that other country and this, the Jew was taken in the ranks of the enemy, would they recognise the principle of divided allegiance in his case to such an extent as not to inflict summary punishment upon that Jew? With regard to the second ground of opposition to the Bill, that it would tend to unchristianise the Legislature, he considered that the great principle of Christianity was toleration to all mankind. He thought by removing all grounds of exclusion the Legislature would act much more in accordance with that divine principle, than by following the advice of the hon. Member for St. Albans to reject this Bill, more especially when it had been declared by the mouth of an apostle, "that brotherly love is the fulfilling of the law."

Mr. NEWDEGATE said, that the hon. and learned Member who had just sat down, being a Roman Catholic, had rebuked the hon. Member for St. Albans, because, being also a Roman Catholic, he would preserve the Christian character of that House. He (Mr. Newdegate) confessed that it appeared to him to be rather anomalous that Roman Catholics — who belonged to the most exclusive of all Christian sects—should appear as the advocates of the most ultra liberalism in matters of religious opinion in that House. Was it that they were so exclusive in their Christianity as to despise Christianity in every form except that of their own exclusive Church? Were they liberal elsewhere? How was it that these ultra liberals were themselves opposed to the foundation of constitutional liberty at Rome, the very centre, as it were, of their religion? How did it happen that those who considered constitutional liberty incompatible with religion at Rome—so exclusive would they have the dominion of their form of Christianity at its centre—appeared in that House as the advocates of a lax morality? He had risen, however, principally for the purpose of recalling to the recollection of the noble Lord the Member for London the words which he had used on the occasion of the introduction of this Bill. The noble Lord, on that occasion, had said that—

> "On this subject he must again maintain that they had no right to exclude from that House any subjects of this realm who should be elected, except on the ground that some of their doctrines and opinions were such as to render them unfit to be Members of the House, or incompetent to discharge its duties."

Now at that time it occurred to his (Mr. Newdegate's) mind, that a learned Rabbi had lately been giving lectures at Birmingham, on the history and religion of the Jews. That lecturer (Dr. Raphall) after giving an account of all the early history

of the Jews, proceeded to give also an account of the modern dogmas of the Jewish faith—of their dogmas which are based upon those traditions which we have the highest of all authorities for believing make the law of God of none effect. Dr. Raphall spoke of them thus :—

"But, with regard to the Talmud, if any man pretended to say it was a work of perfection, and contained nothing but what was perfectly good, believe him not. If any pretended to say that the Talmud was a work of utter reprobation, that it contained nothing but what was reprehensive, believe him not. If any man pretended to say that the doctrines which the Talmud inculcated—the doctrines which are received and acted upon, and have been received and acted upon for centuries by the house of Israel—are unsocial or immoral, tell him plainly it is not true; and if he should point out to some out of the way opinion, some unsocial expression, turn upon him and ask him, 'Is this opinion received and recognised by the synagogue? Does it form part of the laws which the Jews obey, or is it merely recorded in the minutes as something that was said, as something that was done?'"

Now, it struck him (Mr. Newdegate) that that was a very careful reservation; and it led him to inquire what those doctrines were. It was not until lately that he had gained some insight into their real nature. It appeared that the religion of the Jews was not a mere religion of faith, but that it also contained within it a civil code, which, with the religion itself, Jews were equally bound to obey. It was a well known fact that no Jew ever appealed against a Jew to any of our tribunals. He would proceed, then, to trouble the House with a few passages extracted from the celebrated work *Entdecktes Judenthum* (Unmasked Judaism), by Dr. Eisenmenger, Professor of the Oriental Languages and Literature at the University of Heidelberg :—

"1. The Jews are by law required to exact usury from the uncircumcised, or non-Jews, with whom they may happen to have money dealings; to do them all possible injury, and to lend them no helping hand in cases of need and emergency. This law of doing mischief to the non-Jew is as positive and binding to the non-Jew as that of abstaining from doing that to the Jew.—Maimondes, 'Sepher Hamizwoth' (Book of the Positive Laws), fol. 73, col. 4. Ibid. 'Yad Hazakah' (Powerful Hand), sect., Judges, chap. v.

"2. A non-Jew is not held as a competent witness in matters of any dispute or monetary transactions in a Jewish court.—'Choshen Mishpot' (Grand Code of Civil Law), fol. 40, sec. 19.

"3. The Jew is prohibited, by pain of excommunication, from bearing witness in a court of justice against a brother Jew who is sued by a non-Jew for the restoration of property or repayment of money lent.—'Shulchan Aaruch Choshen Mishpot' (Epitome of the Grand Code of Civil Law), sec. 25. Maimonides, 'Yad Hazakah,' part iv., chap. 26, sect. 7; 'Choshen Mishpot' (Grand Code of the Civil Law), No. 28, sect. 3.

"4. The marriage of a non-Jew is considered null and void, and no crime of adultery is therefore committed with the wife of the same.—'Tractat (Talmud) Sanhedrim (Senate),' fol. 52, col. 2. Rabbi Solomon Yarchi on Levit. xx. 10. Maimonides, 'Yad Hazakah' (sec. War and Kings), chap. 2.'"

Now, it might be said, these are the very anti-social and immoral dogmas of the Jewish creed, to which Dr. Raphall referred. True, they are dogmas of the Jewish religion, it might be said, but are only accepted by the Jew, as interpreted and applied to ordinary life by the authority of the synagogue; or, it might be said, they are obsolete. But he (Mr. Newdegate) now came to two points of doctrine and practice to which such allegations could not apply. The first of these two was in accordance with Dr. Raphall's declaration as to the authority of the Rabbins, that is, of the synagogue of which they are the teachers; and the second was proved by the continued and present practice of the synagogue itself :—

"5. There is a positive dogma laid down that more attention is to be paid by the Jews to the words of the rabbins, than to even those of the law (Moses), and that he who slights the former is not considered a Jew, and is sure to go to hell.—Tractat 'Baveh Meziah' (Law about Things Lost and Found, fol. 33, col. 1), Massechteh Sophrinoth (sec. Books and Authors, chap. 15, fol. 13): Tractat 'Eruvin' (Laws about the Eves of Festivals), fol. 21, col. 2; Tractat 'Haguayah' (Festivals), fol. 10, col. 1.

"6. On the eve of the grand fast festival, or atonement day, the congregation is solemnly absolved by the high priest and the elders, by a solemn prayer before the altar in the synagogue, from all vows, oaths, promises, &c., contracted by any member in the course of the year.—Vide the Jewish Prayer Book, service for that grand fast day; that prayer is called Kai Nudrei (All Vows, &c.)"

That prayer was repeated every year on the eve of that festival—that prayer is accepted and enforced by the Sanhedrim —that prayer is binding upon and applicable to the whole of the Jewish synagogue, and he would ask whether he had not pointed out a good reason for the opinion that, holding such tenets, the Jew was not fit to join in the legislation of a Christian land? He trusted the House would remember that he was not referring to anything antiquated; it was the constant practice, year by year, of this nation, to receive absolution from all the obligations imposed by oaths and promises contracted within that period. A nation like the Jews, bound to obey the elders, it might be easy to govern

by the perpetual absolute authority of Jewish rulers, even when absolved from specific and personal obligations by oath; but it was a serious matter to introduce into the government of this country, and that House, which, in the present laxity of its forms, trusted so much to the good faith of its subjects and of its Members, the professors of a religion which not only maintained the power of absolution, but extended to the whole congregation, year after year, a full absolution from all oaths and obligations. He stated this in answer to the observations of the noble Lord, and to show that there was nothing imaginary in the idea that there were tenets and practices of the Jewish religion which rendered its professors incapable of the due discharge of the duties of a legislator in a Christian country, and especially in a country like this, where we allowed the widest latitude of opinion in everything except the obligation and the meaning of an oath, and where everything depended on the good faith of each citizen as to the discharge of his duty to his country, and to his fellow citizens. He had heard it said that it was not proposed to introduce the infidel, but merely those who were bound by the first part of the law by which we ourselves were bound, although they repudiated the second, and, through Christ, salvific part. But he must ask, would it not be wiser to admit the infidel at once, rather than the professors of a religion who had not in common with us the tie of morality founded upon the Gospel, and the doctrines therein set forth, but who claimed the power of absolving themselves from the obligations of any oath to which they might have submitted? The Roman Catholic religion was the most exclusive religion that he knew; and he was greatly surprised to find that so many Members in the House of that persuasion should support the introduction of those who denied the blessed Founder of the Christian religion. He trusted that this arose from no sympathy with the power of dispensation vested in the Synagogue—a power which the Roman Catholics claimed for themselves. Whether this were so or not, he thought the Roman Catholic Members would not commend their cause to the country by supporting the introduction into Parliament of a sect whose religion they condemn, and in which there is nothing in common save this power of absolution. It appeared to him that the course taken by this House on this subject was very significant. It was but the other day that the House sanctioned the second reading of a Bill which imposed a new property qualification, and by which any Member who was insolvent, whether permanently so or not, should be at once excluded. This bound the property qualification tighter upon the Members to an unknown amount. When it became a question of religious belief, as affecting the qualification of candidates for admission into this House—when it became a question of morality—when it became a question relating to the character of the House—when it became a question affecting the respect entertained for the House by the people of this country—there was a great talk of liberality; but, on the question of debtor and creditor, no enactment could be too stringent for these liberal Gentlemen. In his opinion, the construction of the House was favourable enough to the moneyed interest. Had the usury laws not been repealed? Had not the noble Lord, not long ago, sanctioned 8 per cent at the Bank as the minimum of interest? They did not need the assistance of Jewish colleagues to render the money qualification for Members more stringent, to assist the noble Lord in the encouragement of usury, or to import the principles of the Stock Exchange wholesale into Parliament. He could not deprecate any thing more strongly than that that qualification should be drawn tighter and tighter which excluded the poor, while the doors of Parliament were cast open to every infidel, no matter how offensively he might repudiate our religion. The perseverance of the noble Lord with this Bill seemed to him almost unnatural. The opinion of the other branch of the Legislature had been most plainly spoken last Session, and if that ought to have any weight, why did not the noble Lord yield to it? If the Upper House were a part of the constitution, the duty of which was to revise the decrees of the Lower House, the position of the noble Lord surely bound him to respect the voice of the House of Lords. At any rate it would have been more decent had he issued a writ and tested the opinions of the city of London before he again introduced this measure, after the emphatic decision of the House of Lords against it. He (Mr. Newdegate) was glad to say that the conduct of the House of Lords had met with a response throughout the realm. There was no clamour on the subject, but

a deep feeling of approval pervaded the country. No act of their Lordships for years had so much raised them in the general estimation. He rejoiced that this debate was not to be suppressed, as those with reference to this subject on the two previous occasions had been. In one instance the debate was broken upon and interrupted; and in the second instance, when the House came to that stage of the Committee at which the noble Lord introduced his last alteration of his own oath, an hon. Member had thought fit to exclude the reporters, and the public were yet in total ignorance of the nature of the Bill; and the hon. and learned Member for the University of Cambridge had merely performed a strict duty by taking care the public should know what was proposed, and should see the extent to which the noble Lord's original proposal had been altered since the question had been submitted to the House. The noble Lord originally introduced into his oath terms which were the terms of the constitution, by which Members were called upon to repudiate the authority of any foreign prince, prelate, or potentate, in this realm, and the ecclesiastical jurisdiction of any foreign prelate. But the noble Lord had thought fit to remove that portion of the present and of his proposed oath; and why? because the noble Lord declares it had merely been introduced to remove doubts with respect to the supremacy of the Crown in matters ecclesiastical. Those words were declared by Lord Eldon to be explanatory, and introduced for the purpose of removing and clearing up doubts? If there were doubts when those words were introduced, what had happened since to remove those doubts? Last Session the Duke of Wellington, in the other House of Parliament, proposed the addition of words to that very effect in the Diplomatic Relations with Rome Bill, because doubts had been conjured up by parties who wish to invade the supremacy of the Crown. The proposition of the noble Duke was sanctioned by Lord Lansdowne, and it was carried by the Ministry in that House; and yet the noble Lord now came down and told the House that the doubts he then admitted were now removed. He (Mr. Newdegate) could not conceive what extraordinary circumstances had happened in the interval to render this declaration then so necessary now so useless. He lamented that the noble Lord had adopted this course. The noble Lord appeared to him determined to limit the oath to the fewest possible words. That might be desirable; but last Session the noble Lord admitted here that there were doubts by supporting a declaratory enactment on this very point; but lately, after a very brief interval, those doubts appeared to have been removed, and the declaratory part of the oath was abandoned; but the noble Lord had never condescended to explain what occurred to remove these doubts. He (Mr. Newdegate) considered it an imperative duty solemnly to protest against this measure. It was a measure of miscalled liberality. It was a prostitution of the term in its true sense to call it liberality, for he believed that the Protestant religion was the foundation of all true liberality, indeed of all true liberty. He did not believe in the success of the constitutional forms of government established in Continental countries where the Roman Catholic religion, in its *ultra-montane* stringency, existed. Our Protestant faith was our only security for our liberties; and let the House mark how those liberties had grown up. First, the people of this country reformed their religion, and having done that gradually, by degrees, with only one lamentable interruption, our political liberties have been accommodated to our religion, and have grown out of it. It was because he respected the liberties of our country—it was because he prized the toleration of our religion—and because he wished to perpetuate them for ages, that he prayed the House to retain its Christian character, from which the country could never depart with safety. He trusted that they would never depart from the maxim of Blackstone, namely, that Christianity is part and parcel of the constitution. He would ask whether it was consistent with common sense that our laws could be Christian unless they were framed by Christian legislators, and in a Christian spirit. It was in vain to tell him that every assembly is Christian in which a majority are Christians. He saw many assemblies in which the majority were Christians, not acting in a Christian manner; and therefore he prized the Christian character of that House, because if it acted otherwise than as a Christian assembly it would forfeit its position in the eyes of the country, and be liable to the reproach of having departed from a fundamental principle of its constitution. He should vote for the Amendment, because if they passed the measure,

he felt it would be acting at variance with the first principle of the constitution, and betraying the confidence of the people of this country.

Mr. CROWDER said, that it was not his intention to have addressed the House, and he would not have done so had it not been for the remarkable statement made by the hon. Member who had just resumed his seat. Until he heard the quotations of the hon. Member from those documents which he had searched, in order to ascertain the laws by which the Jewish body were guided, he (Mr. Crowder) confessed he was utterly ignorant of the fact that the Jews held themselves absolved from the performance of any obligations into which they might have entered. And he was the more astonished that this doctrine should have been broached by an hon. Member who opposed the omission from the Parliamentary oath of the words "upon the true faith of a Christian," because he believed those words to be efficacious in excluding the Jews from Parliament. Was it to be believed that a body of persons whose conscientious scruples had prevented them from entering that House, because they would not take the prescribed oath, in which was language that they were unable to utter, being contrary to their conscience—was it to be believed that the Jews, as a body, or any honest, conscientious, or upright Jew, so doing, would hold themselves absolved from the obligation of an oath? It was the first time he had ever heard that doctrine; and it certainly appeared to him so inconsistent with the conduct of men who had abstained from taking an oath by which they might have held their seats in that House, that he could not believe they recognised it. The ground upon which he (Mr. Crowder) should give his vote in favour of this measure was, that in his opinion it was most unjust, and inconsistent with the general principles of the constitution, that any man, or set of men, should be excluded from the enjoyment of civil rights and political privileges on account of peculiar religious opinions. It was upon that ground that he should give his vote in favour of the Bill, because it appeared to him that, unless those religious opinions were such that those who entertained them were induced, in conformity with those opinions, to act in a manner inconsistent with the well-being of the State, it was contrary to the principles of the British constitution that they should be either proscribed or excluded from any right or privilege enjoyed by any other British subject. The hon. and learned Member for the University of Cambridge seemed to have rested almost the whole of his argument upon the ground of the Jews having been formerly considered in the nature of aliens, and that it was not until a comparatively recent time that they had ceased to be persecuted. But was that, he would ask, any rational ground why, at the present time, if the Jews entertained no religious opinions which rendered them incompetent to discharge all the social duties which devolved upon other British subjects, they should be prevented from the enjoyment of the full rights which belonged to them as British subjects? Was the fact of their having been hunted, tortured, and persecuted in former ages, any ground for refusing now to give them tardy justice? And yet, if the principle of the hon. Member opposite were agreed to, they would continue the same spirit of persecution which had prevailed in former times. There were really but two arguments which he had heard used against this Bill—one, that the Jews had been considered in the light of aliens; the other, that by introducing them into Parliament they would unchristianise the Legislature. With regard to the first ground of objection, that had been effectually disposed of by the hon. and learned Member for Athlone, who had asked in what manner a British Jew would be treated if found in the ranks of an enemy fighting against this country. If, in such a case, he would be treated as a British subject, and punished accordingly, he ought not to be excluded from the full enjoyment of all the rights and privileges belonging to British subjects. With respect to the second objection, that the admission of Jews would unchristianise the Legislature, he confessed that he was unable to understand that objection. If by it were meant merely that the Legislature, which, before the introduction of Jews, was Christian, would be, after their admission, not Christian, because of the Jews being admitted, there really was not, in his opinion, anything in the objection. It was no argument to say, that because there would be some Jews in the House, they would unchristanise the the Legislature. It had not been even attempted to be shown in what manner the Jews would legislate differently from the present Legislature. Would they attempt to overthrow the religion of the country? There was probably no class of men who

were less given to proselytising than the Jews, and they certainly would not interfere injuriously with respect to the existing religion. Indeed he had never heard of any such attempts; and neither had he ever heard of Christians who had adopted the Jewish faith. Again, it was said that if that Bill were passed, a Jewish Member might vote on Church questions. But why should not a Jewish Member vote on those questions if he should think proper to do so? All the Members of that House did not profess the doctrines of the Established Church; nor were they all even Protestants; and a Jew would be as competent to give an impartial vote on church questions as any other Member who dissented from the Church. He would go further, and express his belief in the statement of the Bishop of St. David's, that a Jew would be likely to display less hostility to the Church than a Christian Dissenter. That right rev. Prelate had used the following language in the course of the last Session:—

"I must say, that if any question affecting the interests of the Church is to be discussed in the other House of Parliament, I, for one, should greatly prefer that it should be submitted to the decision of a Jew rather than a Dissenter. On a common principle of human nature, I conceive that a Dissenter must be subject to a much stronger bias on such a question, and must be much more hostilely disposed towards the Church of England than a Jew can possibly be."

He (Mr. Crowder) agreed with the right rev. Prelate; he believed that in all matters of church government a Jew would feel much less interested than a Dissenter. Unless, therefore, it could be shown that the Jew would legislate differently or more injuriously than the existing Legislature, there could not be any weight attached to an objection of this nature. He had never known of a Jew acting improperly in the discharge of his duty as a juryman. As alderman of a municipal corporation the Jew became a species of legislator, for he legislated for the corporation; and he was not aware that it had ever been objected to a Jew that he was not as good an alderman for the administration of the law as a Christian. Then, again, although he was prevented sitting as a Member of that House, he could be elected, and could act as an elector himself. He had yet to learn that Jews, in the situation of jurymen, aldermen, or voters, did not discharge those respective duties as honourably and correctly as Christians. Formerly others, besides Jews, were for a long time excluded from sitting in Parliament; but the restrictions had been gradually relaxed, and it did not appear that any harm had arisen. If they regarded the principle of the measure, he thought by the Bill of 1829, for emancipating the Roman Catholics, it had been admitted by the Legislature that there should be no further exclusion from office or that House solely on the ground of religious faith. It appeared to him that the same arguments which were urged against the Jews on the present occasion had been adduced against the admission of the Catholics in 1829 and in previous years. They were now told that a candidate should not only be qualified by the possession of 300*l.* a year, but it was an essential part of the qualification that he should be a Christian. Previous to the Bill of 1829, they were told that a Member of that House must be a Protestant, as an essential part of his qualification. An hon. Gentleman opposite said, if they admitted a Jew, they excluded a Christian; by the same rule, if they admitted a Catholic, they excluded a Protestant. In conclusion, he would only add that he should give his cordial support to the Bill.

MR. GORING said, it appeared to him that hon. Gentlemen showed they knew nothing of the habits of the Jews by the arguments they had used in favour of the Bill. If a Jew came to the table of that House to take the oaths, and took it on the faith of a Christian, he would be held up to contempt before other hon. Members. They had been told that the circumstance of admitting Jews to the franchise was a strong argument for the measure; but this was answered by the Bill itself; for it only proposed to do away with a portion of the oath for Members of Parliament, and it did not allow them accession to higher offices. It had been said that the Jews were only excluded accidentally: this might be a very fair argument for special pleading, but there was no reasonable ground for such an assumption. They had been told a great deal about Christian charity and toleration; but he conceived there was a duty he owed to God before that which he owed to his neighbour. He believed, by passing this Bill, they were doing an act by which they dishonoured God and our Saviour; he, therefore, should oppose its further progress.

MR. SADLEIR was in favour of the Bill, not, however, from the desire to work out the conversion of the Jews, which appeared to be the feeling which inspired the

hon. Member for St. Albans. His own feeling was, that the Jews had been excluded from Parliament more from accidental circumstances than from any other cause. For his own part, he did not regard the oath taken by Members as containing any profession of faith. If an Englishman took an oath in China with a saucer on his head, it could not be contended that by that act he pledged himself to the faith of Confucius. It was idle to pretend that the admission of the Jew would unchristianise that assembly. There were in this empire no less than 40,000 Jews; and was there any one who would be so rash as to assert that their residence in this country deprived the land of its Christian character? If the Jews were admitted into that House to-morrow, Parliament would be still Christian, in the same sense that the country which it professed to represent was Christian. There was a time when the Roman Catholic was stigmatised in that House as an idolatrous Papist and an anti-Christian, and on the pretext of that false representation he had been for years excluded from Parliament. The spirit of the times, however, had imperatively required his admission; and so, too, did it now demand the admission of the Jew, notwithstanding that an effort was made to exclude him on the plea that he was a non-Christian. The Catholic had been denounced as an idolater, and it was argued that his admission would be fatal to the Christian character of the House; but surely there was no rational man who was prepared now to contend that the course of legislation in that House, since the admission of the Catholic in 1829, had been less Christian in its character or less philanthropic in its operation than it had been before that epoch. Much misapprehension prevailed as to the rules and maxims which guided and controlled the moral conduct of the Jew. The fact was, that very many of the rules and maxims which governed the actions of the Israelites, were precisely identical with those which governed the actions of the Christian, for they were derived from the same source, the Old Testament. It was most unaccountable how any man of sense, who had devoted any attention to the course of legislation in that House for the last twenty years, could now hesitate to grant to the Jew the last right which was yet wanted to place him in the full enjoyment of the privileges of free citizenship. The Pagans did not hesitate to recognise the right of the Jew to Roman citizenship; and would Christian legislators, in this enlightened age, be less tolerant and less high-minded than the worshippers of Jupiter? It had been urged, that the great desire and aim of the Jews was to return to Palestine; and that, therefore, they were not influenced as subjects of this realm by those ties which ought to bind them to the land of their birth and adoption. But he thought the conduct of Jews in this country did not justify that assumption, for they were daily acquiring every description of property likely to induce them to remain in the kingdom. It had been said, that the Jews expected a full restoration; but surely the prevalence amongst them of such an opinion formed no reason why they should be excluded from the Legislature. There were many Christians who believed that the second coming of Christ was not now very far distant; and, doubtless, there were many believers in the Millenium in this country; but that formed no objection to such persons sitting in Parliament. To him it appeared that the claims of the Jews were irresistible. If it could be shown that the admission of the Jew would not lower the Christian character of that assembly, surely it would not be on any head contended that the Legislature would be justified in withholding from him that right, to which, on social and political considerations, he was indisputably as much entitled as the member of any other creed in the community. Questions involving the interest of the Church, and matters of ecclesiastical discipline, were of rare occurrence in that House. Their numerical proportion to other questions, on which the capacity of the Jew legislator could not be questioned, was exceedingly insignificant. No one would dispute the capacity of the Jew to deliberate on questions of finance—on questions relating to the improvement of the moral and physical condition of the people—on questions of foreign policy, or colonial management. On questions of that character, the Jew, notwithstanding his peculiar religious tenets, was as well qualified to deliberate as any other subject of the realm; and there was no reason whatever for apprehending that when, at rare intervals, questions of church discipline might arise, he would, if admitted into Parliament, pursue a course less decorous, less manly, or less independent, than that pursued by any other Member of that House. If the Jew were incompetent to legislate on questions connected with church discipline, in what light would

they regard the deliberations and legislative efforts of that denomination of Christians called Quakers? The hon. Member for Manchester was not disqualified to consider the military estimates in that House, and yet it was one of the religious tenets of the hon. Gentleman that war was sinful and unlawful. He attached no credit whatever to the assertion which had been so recklessly made, that the whole spirit and tendency of the national mind in this kingdom were hostile to this measure. That the great majority of the English people were favourable to the principle of the Bill, was sufficiently attested by the number of their Parliamentary representatives who had already recorded their votes in its favour. But whatever might be the case with respect to the English people, he could take upon him to assert, without fear of being confuted, that the Irish people were most friendly to the measure. Notwithstanding their present prostrate condition, the Irish people felt a deep interest in the maintenance of the great doctrines which were reflected in this Bill; and they looked forward with unaffected anxiety to the gradual growth and progressive development of those principles of civil and religious liberty for which they had themselves, in bygone years, endured merciless persecution; for which they had fought; for which they had bled, and for which they had so long struggled against all the vicissitudes of adverse fortune. They would hail with heartfelt joy the consummation of a measure which would confer on the English Jew the privilege of entering that House; and their gratification would be the greater from the reflection that in the day of their tribulation they had no more munificent benefactor than the very gentleman who now sought admission within its walls. That noble effort of voluntary charity which eventuated in the institution of the British Association, was promoted, and, indeed, originated, by the man who now stood at the portals of that House, which, by an accident, he was precluded from entering; and having alluded to the subject, he would here take occasion to observe, that that most estimable gentleman, not content with instituting that association, and enriching it most munificently, had, in a spirit of unostentatious benevolence, made it his business to search out, in the remotest and most unexplored recesses of Ireland, objects on whom to confer the most valuable evidences of his sympathy and commiseration. He thought it was greatly to be deplored that they should be deprived, in their deliberations, of the wise and humane counsels of such men; and he should, therefore, have great pleasure in voting in favour of the third reading.

MR. SPOONER said, if his vote were to be regulated by the respect in which he held many gentlemen belonging to the Jewish nation—if it were to be regulated by the deep sense which he entertained of the liberality and even munificence of such men as the hon. Gentleman alluded to, or Sir Isaac Lyon Goldsmidt, and Sir Moses Montefiore—if he gave his vote according to the high estimation in which those gentlemen were generally held, he must necessarily support the measure of the noble Lord at the head of the Government. If this vote were to be regulated by the interest which he felt, and which every Bible reader must feel, not only in the past history but in the future prospect of the Jews—if that were to guide his vote, he should certainly support the Bill; but such, he thought, were not the principles which ought to guide that House. He could not concur with the hon. Member for Carlow in the opinion that the religious questions which arose in that House were insignificant as compared with questions of a different character. [MR. SADLEIR explained. He had not said so. He had said they were numerically insignificant.] They might be so; but their importance immeasurably transcended that of all other questions. By the coronation oath the Sovereign was bound to maintain not only the Christian religion, but the Protestant faith, as laid down by the doctrines of the Established Church. The same duty devolved on the Legislature; and was he to be told that a man who was so circumstanced as to find it impossible to vote conscientiously in favour of Christianity and Protestantism, ought to be admitted into that House, simply because he might be qualified to legislate well on a question of finance or colonial government? The hon. Member for Carlow had begged the question when he said the Jew ought to be admitted, if it could be done without lowering the Christian character of that House. It was precisely at that point they were at issue. He (Mr. Spooner) most emphatically denied that the Jew could be admitted without such a result. The hon. and learned Member for Liskeard had tauntingly asked what was meant by saying the House would be unchristianised?

Surely, if there was anything in this world which would derogate from the Christian character of that assembly, it must be the admission to its membership of a man who, if he be an honest and conscientious Jew, must regard Christianity as a fable, and our Lord and Master as an impostor. If Jews be conscientious and single-hearted, they must act on Jewish principles, and not on Christian principles; and admitting men into that House who were inexorably coerced by a conscientious conviction not to act on Christian principles, was doing that which he would call "unchristianising the House." He did not think it was at all true that the feeling of the national mind was favourable to the present measure. The fact of a measure being adopted by that House, did not invariably imply that it was approved by public opinion. No less than 1,300,000 persons petitioned that House against any addition to the Maynooth grant, and yet the Bill authorising an addition had become the law of the land. Petitions on the subject had been so completely disregarded in that House, that he had been told by the people who signed them that they would never waste their parchment and their time by petitioning the House again. He warned them against believing that the country was indifferent on this question; there was a sullen feeling abroad, because they despaired of success; but the people did not feel the less strongly because they were silent. It did not follow as of logical consequence that because the Roman Catholics and Dissenters had been admitted, Jews ought not to be excluded. There was the greatest possible difference between the two cases. True, they had admitted Roman Catholics and Dissenters, but up to the present time they had invariably required at least an open profession of Christianity from every Member, no matter to what class of religionists he might belong, before he was allowed to take his seat. But they now proposed to abolish that profession, and virtually to declare that Christianity was no longer to be the groundwork of the principles on which Members of that House was called upon to take their seats. In the year 1829 he was favourable to the Roman Catholic Relief Bill, and chiefly on this ground—that Mr. Canning called the attention of the House to this, that inasmuch as an oath excluded the Roman Catholics from Parliament, so an oath would regulate their conduct when admitted to seats in the Legislature; he, though not in Parliament, supported out of doors the measure of 1829, believing in the promises then given; but he regretted to observe that those promises had not been kept; and now, looking at the consequences of the measure, he did not hesitate to say that the result had not answered his expectations. The course that had been pursued with reference to this Bill, was a most unprecedented one. The Minister came down, and without prelude or ceremony proceeded to release the Members from the oath of supremacy. He knew that there were persons who were decidedly for maintaining the oath of supremacy, yet felt that they could not conscientiously take that oath which called upon them to assert that no foreign prince, &c., had any supremacy in this country, because they thought that by former Acts of Parliament such supremacy had been recognised; but he thought it too much that, in order to dissipate unfounded doubts in the minds of some Members of the other House of Parliament, the whole nation should be released from the oath of supremacy. He believed himself that no foreign prince had any power in this country. Such a power might be assumed; but to "have" it, meant that it could be enforced by some process of law, and the Pope could not by any legal proceedings enforce his authority over Roman Catholics in this country. He contended that no foreign prince or power had any spiritual or ecclesiastical supremacy in this country; and he, for one, could not give his consent to the abolition of the oath to that effect, which he considered one of the safeguards of the Throne and constitution. He would ask the noble Lord why he had given up the oath in Committee? No one appeared to be aware that the oath in the Bill was merely an oath of allegiance, and that the oath of supremacy was abolished. He believed it was not known in the country that the noble Lord had withdrawn the oath of supremacy, because it was done at a period when, by a very ill-advised Motion, the usual organs of information to the public were excluded from the House. He contended there was nothing in the Bill which prevented a Roman Catholic from taking the Protestant oath at the table. The loss of his seat attached to the Roman Catholic so acting, but no evidence could be given that a man was a Roman Catholic. Attending a Roman Catholic chapel, from curiosity, was not a

profession of the Roman Catholic religion. He cautioned them to remember that it might be expedient to continue the oath of supremacy, for there might be those who would wish to establish in this country an ecclesiastical dominion to overthrow the spiritual supremacy of the Sovereign. It struck him when he read the Bill, that the question was left in a very doubtful manner. There was nothing, as he before said, to prevent a Roman Catholic taking the Protestant oath, and there were no means of knowing what his profession was. Any Member coming to the table might take whichever oath he pleased, and a Roman Catholic might take the Protestant oath or not, just as he wished. He had great respect for Roman Catholics individually, but, at the same time, he knew that they were bound to oppose and extinguish Protestantism by any means in their power. He would ask, were there not persons in that House already who ought not to be relieved from this test? He believed there were some who thought that the Sovereign ought not to be supreme in Church matters. There might be a readiness in other quarters also to challenge the spiritual supremacy of the Sovereign. At present the oath taken by Protestants was so framed that Roman Catholics could not take it, and therefore they took the Roman Catholic oath, which was an act of profession that the party taking it was a Roman Catholic. Ought they to suffer any person to come into that House under the cloak and character of a Protestant, when he was a Roman Catholic? And yet he feared this would be the case if the oath of supremacy were abolished. What was proposed would remove the control which the present Roman Catholic oath imposed on Catholics, and so remove the only barrier interposed between them and their assaults upon the Established Church. It had been said once by a noble Lord that the Roman Catholics never would rest satisfied until they had extinguished Protestantism, and established the Roman Catholic religion. He hoped the noble Lord at the head of Her Majesty's Government would bestow some consideration upon the point which he had raised respecting the possibility of a Roman Catholic taking the Protestant oath. He trusted he would put the matter out of doubt, and take care that one of the great safeguards of the Act of 1829 should not be taken away. He would ask, if they took the Protestant oath, would they not then be set free from the obligation intended to be imposed on them by the Act of 1829, and exposed to the full influence of their religious feelings as Roman Catholics? With these views, then, he was opposed to the measure of the noble Lord, and he still hoped that both the House and Her Majesty's Ministers would pause before they removed one of the greatest safeguards which protected our constitutional freedom. In his opinion freedom was never safe under Roman Catholic dominion. He implored the House to look at the state of the Continent, plunged as it was in the horrors of war, while we were blessed with peace and happiness. He attributed the tranquillity of this country, in a great extent, to its Protestant institutions, and he hoped that the Legislature would not, in an ill-advised moment, be induced to abandon those safeguards through which, by the mercy of Providence, we had been spared the infliction of those disasters which had fallen upon Continental countries. Holding these sentiments, and believing that if this Bill were passed, the consequences would be fraught with peril, he would be compelled to give it a firm and unflinching opposition.

MR. SHEIL: Sir, the title of this Bill refutes the allegations of the hon. Member for Warwickshire. It is "a Bill to alter the Oaths to be taken by Members of the two Houses of Parliament, not professing the Roman Catholic Religion." The sixth section of the Bill especially provides that nothing in the Act contained shall be applicable to Roman Catholics. It runs thus:—

"That nothing in this Act contained shall extend or be applicable to any Peer or Member of the House of Commons, professing the Roman Catholic religion, or be held to alter or affect the provisions of an Act passed in the tenth year of King George the Fourth, intituled 'An Act for the Relief of His Majesty's Roman Catholic Subjects,' requiring the oath thereby appointed and set forth to be taken and subscribed by a Peer, or Member of the House of Commons, professing the Roman Catholic religion, as a qualification for sitting and voting in either House of Parliament, or the penalties, forfeitures, and disabilities to which any person professing the Roman Catholic religion sitting or voting in either House of Parliament without taking and subscribing such oath is by such Act made subject."

If a Roman Catholic came to the table of the House and took the oath prescribed for Protestants, it would be a virtual recantation of his religion, because he would take an oath which a Roman Catholic was forbidden from taking, and by taking the Pro-

testant oath, he at once conformed to the Protestant faith. He found by this Act that the oath to be taken by all other classes of Her Majesty's subjects was simple and plain. It was most usefully disencumbered of a great deal of superfluous phraseology and useless acerbation. The Roman Catholic oath remains uninterpreted and untouched. I am sorry that the field for angry controversy and calumnious imputation remains unclosed. At the same time, I cannot fail to feel that a liberal construction or modification of that oath would enhance the difficulties that beset this measure, and interfere with the permanent object of this Bill, which, as a Roman Catholic, I have much at heart. I am, thank God, unlike the hon. Member for St. Albans. In that pure and disinterested borough, I am glad to learn from the hon. Member, that Mammon is not an object of adoration. With that class of my fellow-citizens and fellow-subjects who are subject to the disabilities by which I was once myself affected, I deeply sympathise; I have not forgotten the pressure of those galling shackles which I have ceased to bear. I consider an exclusion from this Honse a great grievance, and I shall be pardoned for adding, that in that opinion several of the most prominent among the antagonists of this measure, who are indebted to Parliament for their signal successes in public and official life, ought to coincide. The exclusion of the Jew is grounded on an allegation of its necessity; but we should beware of the plea which in Seville and at Geneva was disastrously familiar. So far from this assumed necessity being proved, the very contrary is established. With our present denials, our past concessions are inconsistent. The Jew sheriff, by whom a jury may be empannelled to try the first Christian commoner in England for his reputation or his life, cannot sit in the House of Commons. A Jew may hold the high and authoritative office of Recorder of the city of London. The hon. and learned representative of the University of Cambridge is invested with that municipal dignity, and however eminent his position in this House, I cannot help thinking that the Member of Parliament is merged in the Recorder. A Jew can vote for the worst Christian, and a Christian cannot vote for the best Jew. The anomalies do not stop here. You exclude the least formidable of all Dissenters, who cares as little as Gallio for your ecclesiastical institutions, and who is equally indifferent to the deepest-dyed Catholicism and to Protestantism of the most variegated kind; while you admit the Catholic, whose Church you overthrew, and the Presbyterian, by whom your Church was overthrown. We are told that the Christian character of this House would be affected by this measure, as if the Christian character of the House did not depend on the Christian character of the English people. As well might you tell us that England was not a Christian country, because Jews have not been expelled from England, as they were driven from the countries in which avowed infidelity, flagitious immorality, and merciless intolerance were combined. Will the hon. Member for Warwickshire contend that the Congress of the United States, in which Jews are admitted, is less Christian than the Congress of Mexico, where Jews are excluded? There were four Jews in the late Constituent Assembly of France—M. Cremieux, M. Goudchaux, M. Fould, and M. Serpent. Did an irreligious sentiment ever escape their lips, or did they expostulate against the celebration of those august ceremonies of Catholicism, which happily indicate a restoration of that faith, of which, in the opinion of all its statesmen, France stands so much in need? Will any man maintain that if a Jew were admitted into this House, he would abuse his trust, and insult the religious feelings of those by whom he was surrounded, or those that sent him here? So much for the alleged necessity for the exclusion of the Jew. I will not notice the sanctimonious sophistications of the men by whom we are informed that we should make ourselves the auxiliaries of Omnipotence, and lend our aid to the Almighty in the fulfilment of the prophecies, by shutting the Rothschilds and the Goldsmidts and the Montefiores out of the House of Commons. Their assertion deserves almost as little regard who tell us that into a genuine Englishman you cannot turn a Jew; enough to say that the Jews are good citizens and good subjects—loyal to their Sovereign, and attached to their country, lovers of order and obedient to the laws—and that many of them are eminent for their virtues, and distinguished by their almost boundless charity—that upon misery in every form, whether it be Jew or whether it be Christian, they look with an eye of indiscriminately munificent commiseration. By the inhabitants of this great metropolis, who have the best and nearest cognisance

of their conduct, they are enthusiastically sustained. Not only has the City, properly so called, returned a Rothschild to Parliament, but by the representatives of the multitudinous metropolitan constituencies, this Bill is zealously supported. It will not be said that 2,000,000 of Englishmen are indifferent to the interests of Christianity. In no city on the face of the earth is Christianity more prized and reverenced; from the summit of that majestic temple, dedicated by England to the name of that famous Jew who so essentially contributed to disseminate the religion of charity through the world—over the vast expanse of wealth and of greatness, of grandeur and of power, in which so many of the glories of Imperial England are assembled—the cross appropriately ascends. It is the memorial of a great sin, but it is the symbol of a measureless mercy—it is the type of a religion, with which penalties for the sake of its propagation are incompatible. The cause of Christianity and the cause of toleration are identified; they are highly and holily the same. The victory of the one is the triumph of the other; and as for the achievement of that victory, and the consummation of that triumph, I fervently pray, so in that achievement and in that consummation I most trustfully confide.

MR. GOULBURN was not surprised that the right hon. Gentleman who had just addressed the House, from which he had been himself some time excluded, should sympathise with those who, under different circumstances, were placed in a similar situation. But the right hon. Gentleman would give him leave to say, that he presumed the noble Lord who introduced this Bill was anxious to give him the benefit of a continued sympathy, as he had carefully omitted from his Bill the elevation of the excluded class to an official position in the country. He retained the obstruction which prevented the admission of Jews to office; and, therefore, when he gave the right hon. Gentleman the opportunity of rejoicing at their admission into Parliament, he left him the greater blessing of sympathising with their afflictions in their exclusion from office. He (Mr. Goulburn) was prepared to resist this measure as one which altered the character of Parliament, and, therefore, affected the hold which Parliament had on the affections of the country. That was the great objection which he felt to the Bill before the House. But he knew that other objections might be raised to the circumstances under which this Bill had been brought forward, and to the manner in which the noble Lord intended to effect the object which he had in view. For what were the circumstances under which they were called upon to legislate in this matter? There was no general call from the country for the admission of Jews to Parliament. But a single constituency, powerful from its position in the metropolis, and powerful also from its wealth, had thought fit, in defiance of the existing principles of the constitution, and the practice of the Legislature, to send as a representative to the House a person who was unfit to execute those duties which as a representative he was bound to perform; and they then called upon the House to violate, by a retrospective measure, those principles which had hitherto guided the formation of that assembly. If it were the duty of Parliament to take care that in no case it should relax the authority of the law, or induce the belief that by frequent and multitudinous applications it could be induced to relax that authority, that House was bound to refuse its sanction to a measure which was attempted to be forced upon it by the mere power of numbers and by wealth. If, then, there were no other reasons for refusing to assent to the Bill, these would be ample. But there next came the consideration of the manner in which it had been introduced. He did not pretend to say, that his hon. Friend the Member for Warwickshire was perfectly accurate in his assertion of the legal objections to the measure. He was not lawyer enough to attempt to add any weight by his opinion to the objections of his hon. Friend. But he should say, that there was great weight in his hon. Friend's arguments, and that they had not been shaken, nor his objections removed, by the right hon. Gentleman the Member for Dungarvon. The Bill said, that the Roman Catholic should still take the oaths required by the Roman Catholic Relief Bill; but there was no compulsory provision, either in the first or sixth clause, by which Roman Catholics could be compelled to take the more stringent oath enacted for them, in preference to the one about to be provided for Protestants. They knew that a Protestant Member of the House had preferred taking the Roman Catholic oath to the Protestant one; but, under the great change about to be effected by this Bill, they did not know that that oath would not be entirely abrogated.

It abrogated, so far as regarded the Protestant Members, the oath of supremacy. And what was the object of that oath? It was to prevent the admission, by any class of Her Majesty's subjects, of the right of any foreign Power, Prince, or Potentate, to exercise any ecclesiastical supremacy within these realms. The Roman Catholic oath distinctly denied the right of any foreign Power to exercise any temporal or civil jurisdiction, thereby admitting the exercise of ecclesiastical authority in the case of Roman Catholics. But now they were called upon to do away with the oath of supremacy for the sake of admitting Jews, and, consequently, to do the very thing which they refused to do for the Roman Catholics or the Dissenters. That which they had refused to do for those who professed Christianity only in a different form from themselves, they were about to do for those who, unlike the Roman Catholics or Dissenters, were opposed, not only to the Established Church, but were at enmity with the Christian religion itself. He wished next to make some observations upon an argument used by the hon. Member for Liskeard, who said that it was the right of every honest British subject to have a seat in Parliament. If the hon. Gentleman meant to say, that that was the law at present, he (Mr. Goulburn) should beg leave to differ with him entirely. There were many honest British subjects, who had no qualification to entitle them to sit in that House. There were many who exercised professions, and others who held offices, which disentitled them—which excluded them from Parliament. That was, therefore, not a conclusive argument in favour of the admission of Jews to Parliament. If the House of Commons were confined purely to the discussion of the civil affairs of the country; if they never interfered with religious matters, or if Government were quite separated from religious concerns, he could understand the propriety of admitting Members into Parliament who entertained views entirely hostile to the Christian religion; but whilst the House asserted a right to deal, not only with the temporalities of the Church, but with the essential interests of Christianity, he could not assent to the admission of such persons. He had heard the hon. Member for Oldham say, that he, though a Dissenter, would not be debarred from interfering with the temporalities of the Established Church, and the sentiment was received with general approbation from those who usually acted with the hon. Gentleman. One hon. Gentleman, indeed, had quoted the opinion of the Bishop of St. David's in favour of the Bill. But he (Mr. Goulburn) would quote from another Prelate, the Archbishop of Dublin (Dr. Whately), than whom there was no more strenuous supporter of the admission of Jews to Parliament. That most reverend Prelate had published a corrected report of a speech which he had delivered some years ago in the House of Lords, and in that speech he said that it was asserted that persons who vilified the Great Author of the Christian religion ought not to be admitted to a share in the councils of the country. And on that point arose a question to which it was very hard to reply. For whoever was admitted to a seat in the Legislature was admitted to a share in the government, not of the State only, but of the Church; and that not merely in the case of its temporalities, but of its purely ecclesiastical affairs. If, therefore, it were asked of him what right Jews had to legislate for a Christian Church, he knew not what answer could be given. That was the opinion of Dr. Whately. But it had been insinuated, rather than asserted, in that House, that the belief of the Jews being founded upon a portion of the sacred Scriptures, it was not so very different from the Christian belief as some people asserted or imagined. He had even heard one hon. and learned Gentleman in that House say—and it was with great surprise he listened to the assertion—that he considered the Jew to be only an imperfect Christian. He (Mr. Goulburn) knew not who amongst that assembly could claim the title of a perfect Christian. Would to God that any of them could! They were all, at best, but imperfect Christians; and if they viewed the Jews only as imperfect Christians also, what was there to prevent the hon. and learned Member from attending the synagogue, or Jews from holding office in the Christian Church? But could any man who knew the two professions of belief, assert that the difference between the Christian and the Jew was slight, whilst the Christian viewed as an object of adoration One whom the Jew looked upon as an object of abhorrence—that there was little difference between believing in a Saviour already come, and looking for one as yet unborn—between trusting in the mercies of him as God, who

was considered by those others as an impostor? It was most dangerous to assert such a principle. It had been said by the supporters of the Bill, that there was no intention when the words "on the true faith of a Christian" were first introduced into the oath, to exclude the Jews thereby. The hon. and learned Recorder of the city of London had exposed that fallacy. There certainly was no such intention entertained at the time, for the Jews were then in such a situation that they were not recognised at all. But if they were to tell him (Mr. Goulburn) that it was not afterwards intended to exclude them by continuing those words, he should say that the assertion was contrary to the manifest intention of the Legislature, and to the whole practice of the constitution. In the reign of James the First, the oath was directed to be taken upon the holy evangelists. The 1st William and Mary introduced a new oath, and the words "upon the true faith of a Christian" were certainly omitted from it. But then it provided that the now oath should be taken like the old, upon the holy evangelists; and subsequently the words were reintroduced. By the 10th Geo. I., when it was thought advisable to admit Jews to certain offices in the colonies, it was provided, that the latter words of the oath of abjuration, "which prevented Jews from taking the oath," should be omitted in the instances mentioned, thereby showing that whatever might have been the intention of the original oath, the words were accepted by Parliament as excluding the Jews. But the question, after all, was, whether the principle of the constitution was not that Jews should be excluded from the Legislature; and that such was the principle of the constitution was evident from the general practice from the earliest period. It had been the practice from the earliest time to bind up every action of the Legislature with a religious ceremony. When the Queen was called to the Throne, the Members of both Houses attended in Westminster Abbey, and the services of the Church were performed. The very daily business of the House commenced with prayer, showing that it was the intention of the constitution that the Legislature should be Christian. Was not the object evidently to unite all the Members in a common prayer—in a prayer in which all Christians could unite, so as to obtain that blessing from united prayer which might not be granted to individual and divided supplication. This was a distinct indication of what was the intent of the constitution—that the common prayers should be offered up by all through one Mediator. Now, could the Jew join in that prayer? Could he, who disbelieved in the Author of the Christian faith, join in Christian worship? Suppose a Jew to be elected to the Chair, could there be anything more painful than for the chaplain to be offering up prayers in which the Speaker could not conscientiously join? And supposing the other House of Parliament to be thrown open for the admission of Israelites, what an humiliating sight would it be to see a Jewish rabbi sit side by side with a bishop of the Established Church discussing ecclesiastical affairs? It had, indeed, been argued, that they were bound by their duty of charity, as Christians, to extend to the Jews the same privileges as they themselves enjoyed. He admitted that every man, whether Pagan, Jew, or Christian, was equally entitled to their good offices—to receive at their hands relief in his necessities, and instruction in that which he had not previously had the means of learning. But charity did not extend to such a case as the present. Charity had not ceased, but self-protection necessarily came into consideration. He had charity for the man who intended to rob him; but he would not, therefore, give him the power and the opportunity of doing so. He had charity for the Jew, who differed from him in religious belief; but he did not see why he should give him the power of injuring the religion which he (Mr. Goulburn) professed. But then they were told that they were bound to extend the privilege now proposed, because the Jews were particular objects of the Almighty's favour, and would hereafter be restored to Palestine. He looked forward with pleasurable anticipations to the period when the Jew would become a believer in the Saviour; but he could not in the intermediate time overlook their errors, nor could he peril the institutions of the country by admitting them to seats in the Legislature before that happy consummation arrived. He believed that the passing of this Act would cripple the power of the Legislature for doing general good; it would increase the feeling of distrust in the minds of many who looked with apprehension upon the interference of Parliament with religious matters. It was said that it met with universal concurrence out of doors. Those who said so, little knew what was going on amongst the most use-

ful and religious people in the country—amongst people who did not appear upon the hustings at elections, nor at public meetings, but who silently and quietly went amongst the lower classes of the population, promoting amongst them respect for the laws and love of religion. To those people the passing of this Bill would be a severe blow and a heavy discouragement. It would not relax their exertions or disturb their loyalty, but it would enable those amongst whom they went to cast a reproach upon them, and to tell them that the Legislature upon which they relied so strongly was no longer a Christian one. Those people would not consider the number of Jews in Parliament; they would merely observe that access was freely given to them; and the effect would necessarily be to weaken the power of those religious persons to whom he referred, of doing good amongst the masses of the population. It was impossible to conceal from themselves that ever since the passing of the Roman Catholic Relief Bill and the Reform Bill there had been growing up in the country a continually increasing distrust in the fitness of Parliament to deal with ecclesiastical affairs, and a desire in the minds of many of the most respectable and influential classes to see a separation between the powers conducting the affairs of the Church and the State. The learned Archbishop, to whom he had before alluded, had expressed his opinion that Jews ought not to be allowed to legislate in matters purely ecclesiastical; others likewise leaned to the opinion that the power of legislating for the Church should be withdrawn from them if they were admitted to seats in the Legislature. He (Mr. Goulburn) should be extremely sorry to see the power withdrawn from any Member of Parliament, or that the struggles between the antagonistic doctrines of Jews and Christians should strengthen the opinion in the country that a separation between Church and State ought to be effected. He should consider few evils greater at the present time than that the Church should be insulated in her position. He strongly felt the importance of not separating the ecclesiastical from the civil authority of Parliament in either branch of the Legislature; and had an additional reason, in view of the civil and religious tranquillity of the country, for opposing a measure that would have that effect, and which, moreover, would have a tendency to destroy the real influence of Parliament over a large and extensive religious body in the country, and to disable the Legislature from fulfilling some of its most important duties.

Mr. ROEBUCK hoped the House would be kind enough to excuse him if he entered into the discussion of this question on the third reading of the Bill before the House. The example had been set him by Gentlemen on the opposite side of the House; and, in consequence of that example, he would also enter into this discussion now. However, if this had been a measure of what was called a democratic character, such as a question brought in by the hon. Member for Montrose, respecting the alteration of the constitution of that House, and had been negatived once, and its supporters were again twice, or even thrice, to bring it before the House for discussion, he thought they would very soon have been met by hon. Gentlemen opposite saying—"Why, we have discussed this matter already—it has already occupied the attention of Parliament once this Session—why should you want us to discuss it over again, when this House has already deliberately considered and rejected it?" Such an argument as that would have been very forcibly used if the question had been such an one as he had just supposed. But though the House had, he believed, already discussed this question three times, hon. Gentlemen opposite were not satisfied, but dug up their old arguments, and attempted to galvanise them with new life, with the view, he imagined, of influencing the decision of the other House of Parliament. The right hon. Gentleman the Member for the University of Cambridge had spoken of the fate of this Bill in the other House, which he had been pleased to describe as composed of persons more likely to listen to arguments drawn from religious considerations, and as an assembly in which questions of theology and religious belief could be more authoritatively stated than they could be in this House, giving them altogether to understand that the House of Lords could better judge of what was fitted for the religious government of this country than could the representatives of the people. He (Mr. Roebuck) had every possible respect for the other House of Parliament, but could not concur in thinking it composed of a class whose religious character or ability was superior to that of any other section of the community. In his experience it was not in that class

that he found the peculiar devotion which distinguished and characterised the people of this country; and if he were to seek for these virtues, it would be amongst that modest middle class which had given its distinctive character to England, and in all things good and great made her stand before the world in the position she now occupied. But the observations that he also should offer, would be made with the view of influencing the future fate of this Bill. The right hon. Gentleman had also made another remark, which he (Mr. Roebuck) could not overlook. He had appealed from the decision of this House to the decision of the people out of doors, and had said that this House was not the body which should be referred to on questions like the present. Now, in the course of the debate a few nights ago on the constitution of this House, one of the great arguments of the right hon. Gentleman the Secretary of State for the Home Department had been, that this House distinctly and accurately represented the feelings of the country. Well, he (Mr. Roebuck) would accept this argument for one thing as well as for another, and hold that if the House represented the feelings of the country with regard to the constitution of this House, then it also represented the feelings of the country on a question of this kind. It had been declared by large majorities of this House that this Bill should pass, and he would assume that it was the liberal feeling of the people of England that this Bill ought to become law. But, further, his (Mr. Roebuck's) memory somehow or other travelled back to a few years ago, when the right hon. Gentleman the Member for the University Cambridge was sitting on that (the Opposition) side of the House, but on the right had of the Speaker—in 1828, when the right hon. Gentleman did argue exactly as he had argued that night with respect to the Catholics ; and if they struck out of the speech he had just delivered the word "Jew," and put in its place the word "Catholic," and substituted for the word "Christian," the word "Protestant," they would have exactly the whole of the right hon. Gentleman's argument repeated and reinsisted upon; and if the same event were now to happen that happened in the year 1828, they would have precisely the same result. The right hon. Gentleman would then find an admirable reason next year for giving up all his terror and alarm, and would suddenly discover that there was no ground for supposing that this House would be un-Christianised by the admission of a few Jews. He (Mr. Roebuck) was unfortunately old enough to recollect what the right hon. Gentleman had said in 1828, and what he had done in 1829 ; and when the right hon. Gentleman told them that there was danger to the Church of England from admitting a few Jews to this House, must he not recollect how the right hon. Gentleman had formerly proclaimed danger to the united Protestant Church of England and Ireland when vast numbers of Roman Catholics were admitted to the Legislature ? If the right hon. Gentleman had stuck to his text, and nailed his colours to the mast, resolved to fight under them as long as he existed, then he (Mr. Roebuck) would never have addressed this argument to him, because he might have declared, "Aye, but I was never a consenting party to the admission of the Catholics." That, however, had not been the right hon. Gentleman's conduct; for he saw reason in 1829—not, indeed, to admit some three or four Jews into this House, but to throw open its doors to possibly something more than 100 Roman Catholics to join in their deliberations. And was not the right hon. Gentleman answered by his own argument ? He had distinctly stated that by the Catholic Emancipation Act and the Reform Bill, and by the admission of large numbers of Dissenters into Parliament, the character of this House had greatly changed with regard to the Church of England, and that danger had thereby arisen to the connexion of the Church with the State. But the right hon. Gentleman himself was one of the consenting parties to some of those measures; and why had he not stood out against his leader, then at his right hand, but now in opposition to him. He did not wish to speak offensively by using a soldierlike phrase, but why did not the right hon. Gentleman oppose his commander then—as he did now ? But he had said that the House was now about to be un-Christianised. In 1828 he said it was about to be un-Protestantised; and he (Mr. Roebuck) was anxious to know what was meant by the term "the House was to be un-Christianised ?" Why, they were about to admit certain gentlemen amongst them who openly professed the Jewish religion. Were they sure they had none in that House who did not profess the Christian religion at the present time. Had that never occurred to them ? Surely

the right hon. Gentleman was sufficiently well read to know that once, aye, and twice, in the history of England, those sat in that House who openly abjured belief in the whole doctrines of Christianity. [Mr. GOULBURN dissented.] The right hon. Gentleman, he could perceive, shook his head at this, and pointed to the table, meaning, he (Mr. Roebuck) supposed, to refer to the oath—that cobweb by which they caught the honest man, but which was totally impotent against the person who did not care what or how many oaths they imposed upon him. Did they think that the admission of half-a-dozen infidels (he would use the word at once), in spite of themselves, would un-Christianise the House? Or did they flatter themselves that its un-Christianisation would be prevented by their swallowing an oath about which they cared nothing? But the right hon. Gentleman said, the Bill was dangerous in another way, because they were about to admit Catholics who took this short oath. But what was to happen then? He had been obliged, he had said, to introduce, as a species of safeguard to the Church, in order to conciliate opposition and to soften down the bigotry of his countrymen, a clause in the oath taken by the Catholics; and on the repeal of the Test Act the Dissenters had to bind themselves not to injure the Established Church. The same Catholic oath, nearly, had been administered down to this day; and what was the result? Why, he thought, one Catholic had been pricked in his conscience about the oath —scarcely more than one. He (Mr. Roebuck) had seen Catholics most properly legislating, voting, speaking, and doing all they possibly could, as Members of Parliament, to alter the revenues of the Established Church. Had Catholics and Dissenters legislated on the Church of England just the same as if there had been no such clause? And where then was the use of an idle oath, by which only one conscience was pricked—an oath that, like a flimsy web, could not catch the strong flies, but sometimes entangled the wings of a weak one. The hon. Gentleman opposite, the Member for Warwickshire, with the reckless bigotry that distinguished the class to which he belonged, had dipped—that was the literary phrase—had dipped into the Talmud and the Jewish Prayer Book, and produced extracts to show that the Jewish Rabbis gave dispensations to their followers from all oaths interfering with their religion. Now, for whom and why were they now legislating? Why, because there were gentlemen of the Jewish persuasion who had so nice a sense of what an oath was, that they refused to come into that House on any pretext whatsoever, or in any manner whatsoever, that would impeach their honour, their morality, or their religion. They were actually now legislating for tender consciences; and yet the hon. Gentleman came down to the House with that species of hardihood and cruel bigotry of intention that distinguished the class of gentlemen to which he belonged, and took it upon him to stigmatise a class of his fellow-subjects—aye, or fellow-men — with an utter absence of all honour or honesty, as to profess a religion that relieved them from the strongest ties which men had agreed to make between one another, and to which they attributed the strongest sanction that the fears of mankind could manufacture. Yes, the hon. Gentleman had come down there, and thought fit to impute to them an utter disregard of the most sacred ties and obligations, from some garbled extracts taken from a book that he had looked into for the first time when he made the extracts—extracts which he (Mr. Roebuck) was certain, from the way in which the hon. Gentleman read them, he did not understand, because all he gathered from them was an imputation against the honour and honesty of the persons of whom he was speaking. Of the nature of the extracts themselves —of what they led to—and how they bore upon the religion of the Jews—the hon. Gentleman was as ignorant now as he had been six months ago; and six months ago he had not seen the book. Yet the hon. Gentleman had had the courage—that was not the right word by-the-by—the courage to say of men quite as honourable as himself in every relation of life, that they were utterly regardless of an oath. But what was the value of his argument. He had said, the Jews received from their leaders and Rabbis annually, at stated times, a dispensation relieving them from the obligation of an oath. Did the hon. Member derive this aspersion from the Old Testament, the great book of authority with the Jew? [Mr. NEWDEGATE: From the Jewish Prayer-book.] No, he found it in the Jewish Prayer-books. Why, he (Mr. Roebuck) could bring writers of every class of Christians, giving exceedingly strange and rather twisting reasons, too, full of obliquity, and

by no means straightforward or honest, to relieve men from many grave and sacred obligations. But should he feel himself justified on that account in saying that Christians had an utter disregard of Christian duty? The celebrated Pascal, with regard to the *Provincial Letters*, did not think of attacking the whole of the Christian commentators, because certain Jesuitical writers twisted, to suit their purpose, the grave obligations of religion. No, Pascal was too ingenuous for that: he attacked the writer of the book individually, and not all Christians whatsoever. And he (Mr. Roebuck) was bound to believe that they who said the Bible was the great book of their law, had as strong a sanction to an oath as any that the Christian took, and that the hon. Member for Warwickshire had no more right to impute carelessness to them in taking an oath, than he (Mr. Roebuck) had to cast the same aspersion on the hon. Gentleman himself; and let him tell the hon. Gentleman that it was no slight offence to charge any man on insufficient evidence with an utter disregard of solemn obligations. He maintained that it was unjust and unfair towards those people, who were not there to defend themselves, for the hon. Gentleman to come down there and blast the character of a whole sect by an imputation entirely groundless, for it was not supported by their belief. They were as sincere, as honest in the belief of their religion, as upright in all their dealings as any Christian man, or set of men; and therefore he had a right to suppose that in all the transactions of life they were guided by the sanctions that affected ourselves, and that among those sanctions that of an oath was one to which they attached particular obligations. Therefore it was totally unjust to refuse a right of this kind to any class of Her Majesty's subjects on grounds of this character. They were fully qualified in point either of instruction or of money; they believed and adhered to the faith in which they were born, the same as we did ourselves; in all the ordinary transactions of life they were perfectly honourable and honest; and, therefore, the onus rested with the other side to show why one of the great privileges of freemen, which he had shown belonged to them *à priori*, could fairly be taken away from the Jews. True it had been said that they were sometimes aliens; but the grandfather of the Solicitor General himself had been an alien; and yet that was not considered a reason why the Solicitor General should be excluded. Therefore, a better argument than that the grandfather of a Jew was an alien, must be found to justify his exclusion from that House. But the right hon. Gentleman said that the oath on the holy evangelists was imposed when they were not aliens, and, therefore, that the oath was designedly made. But there were two Gentlemen of the Quaker persuasion in that House who did not take the oath on the holy evangelists. He recollected that when Mr. Pease came to the table of that House he refused to swear. What did the House do? They altered the form, and Mr. Pease did not take the oath upon the holy evangelists, but made a solemn declaration. That disposed of the argument with respect to the holy evangelists. Why no Gentleman would say that there was any Act of Parliament to admit Quakers into that House; but what the Act did say was that, under certain circumstances, an affirmative might be taken instead of an oath from Quakers. And, moreover, an Act had lately passed enabling all parties in courts of justice to take oaths in that manner which should be considered binding upon them. The right hon. Gentleman the Member for Montgomeryshire, in the debate on the admission of Quakers to that House, referred to an Act of Parliament enabling the affirmation of Quakers to be taken in courts of justice and other places, and said that there could be no doubt that the two Houses of Parliament had superior rights and privileges which could not be limited by implication. He asked them whether it was not a fact that the House of Lords, sitting in its judicial character, would not examine a Quaker upon his affirmation, and upon that examination decide upon the expediency or inexpediency of a measure? Upon that reasoning Quakers were admitted to that House, and he (Mr. Roebuck) now asked whether or not the House of Lords, sitting in their judicial capacity, would not take the evidence of a Jew in a way that was considered binding upon him? And if so, he contended that if the House of Commons could change the form of oath with respect to the Quakers, it had the same power to change it with respect to the Jews. The hon. Baronet the Member for the University of Oxford had declared that Unitarians were not Christians, and yet there were Unitarians in that House; and an Unitarian might, perchance, occupy the Speaker's

chair. The right hon. Gentleman had endeavoured to terrify the House by saying that a Jew might become the Speaker of the House of Commons. But it should not be forgotten that a Jew, not long since, had officiated as sheriff—that a Jew was at this moment an alderman of the city of London, and that it was not impossible he might become a Lord Mayor. By the fact of his being Lord Mayor he would become a Privy Councillor. [Mr. LAW: No, no.] At all events, on the demise of the Crown he would appear at the first meeting of the Privy Council. He denied that any mischief could accrue from the election of a Jew to Parliament, the choice of whom was the deliberate act of his fellow-countrymen. Was not the choice of the people a sufficient guarantee that the selection was a sound one? If the people sent unworthy representatives, they must take the consequences. No law which could be passed would prevent the people from making such a choice as they deemed expedient. But he had sufficient faith in his countrymen to believe that they would not make an unworthy choice. The story which the hon. and learned Recorder for London told of a man who said that he voted for Baron Rothschild because Jews were excluded from Parliament, and that he would not vote for him if they were admissible to the Legislature, proved that the man in question voted from principle, and not, as the hon. and learned Gentleman more than insinuated, from a spirit of subserviency to a wealthy man. Baron Rothschild was recommended to that man by your pernicious law. He voted not for Baron Rothschild the millionaire, but for Baron Rothschild the representative of the great principle of religious freedom. The right hon. Gentleman had said that this Bill had been forced upon Parliament by the contumaciousness of the people of London. But he could not call the exercise of a free choice contumacy. He thought that the manner in which this debate had been conducted was worthy of the people of England. All that the people had in view was the principle which the Bill contained. It was not the question of the election of Baron Rothschild or anybody else; it was the great question of religious principle at the bottom of the Bill which the people cared about. It was on account of that principle that he, and he believed people out of doors, supported the Bill, that the people were excited upon it. [Mr. PLUMPTRE: No, no!] The hon. Member for East Kent seemed to think there could be no excitement but on the bigoted side. Reference had been made to the petitions on this subject. But were there not people who felt strongly upon the question, and who did not petition? He remembered the time when petitions crowded the table of the House; but the people had ceased to adopt that mode of redress. He felt firmly convinced that no one who advocated this measure would have reason to regret what he had done before any of the large constituencies. He knew more than one large constituency from personal observation, and he knew that large constituencies thought only of maintaining the great principle of religious liberty, regardless whether the question affected a large or a small number. It was because he perceived a great living principle in the Bill that he gave it his support; and he trusted when the Bill should have reached its last stage that the noble persons of whom mention had been made would pay that deference to the freely and constitutionally expressed opinion of the Christian people of England which they had paid before, and that they would not refuse to give their sanction to the expressed will of the people, namely, to have this great principle of religious freedom passed into a law.

MR. NAPIER fully agreed with the hon. and learned Gentleman who had just sat down that the question ought not to be decided on personal grounds. He thought, however, that the hon. and learned Gentleman had proved too much; for if his argument was good for anything, it went to show that oaths ought to be totally abolished, and pecuniary qualification also, if it was to rest merely on the opinion of a large constituency who were fit to be Members of that House. The real question before them was, whether Christianity was the basis of the constitution? and if it were so, he would ask where was the man who would deny the fairness of excluding from the House persons opposed to that principle of religion? The Bill of the present Session was different to that of last year; and though the noble Lord at the head of the Government had omitted the oath of supremacy with regard to the Catholics, he had retained in the oath, "on the true faith of a Christian:" now, if the noble Lord did not think it necessary that Christianity should be the basis on which parties were admitted to that House, why were those words retained? Supposing a

Deist were to be returned to that House, was he to be excluded while the Jew was admitted? He maintained that Christianity was the basis on which the British constitution was founded; and that they were, therefore, bound to exclude from the councils of the State all parties not believing in the Gospel of Christ. It was not because he had personal objections to any man or body of men that he maintained these opinions, but because he conceived he was bound by his religion to support the principle he had just laid down. He had knelt by the side of Roman Catholics and prayed with them; but then they joined in prayer to a common Saviour, and it was only men that did so that he considered ought to be admitted to that House; and if he stood alone, he would raise his voice in opposition to this Bill on that ground. He had heard the noble Lord who introduced the Bill use an argument in its support which he thought unworthy of him. He said that if the Jews were powerful, the House would not venture to oppose their Bill, but that it was owing to the want of power on the part of the Jews that it could be opposed with safety. He denied that such was the reason for the opposition to the Bill. It was because it was considered that this was the last badge of the Christianity of the House—it was because he considered that a faith which had stood for more than 1,800 years was put on its trial before a small sect—and because he thought it essential to preserve that faith in its purity and integrity, that he would give his humble vote against the Bill.

Mr. W. P. WOOD said, that the hon. and learned Member who had just sat down, had protested against this measure as being one by which they were about to part with the last badge of Christianity; but he (Mr. Wood), on the contrary, hailed the measure with the hope that he was for the last time entering his protest against the last badge of an unchristian and persecuting spirit. He would enter upon the subject by saying, that it was as a Christian, no less than as a politician, he gave his decided support to the measure before the House. Hon. Gentlemen opposite delighted in these oaths and declarations, and would probably be pleased to hear the facts he was about to mention. By the Act that repealed the Test and Corporation Acts, every person holding office under the Crown was obliged to make a declaration that he would not use that office to subvert the Church as by law established. He (Mr. Wood) confessed that he had been heartily ashamed to find the extraordinary care of the Court of Queen's Bench in looking after the interests of the Church according to that Act, and the number of declarations that there were made in consequence of it. The holders of the various offices he was about to name had taken the declaration that by virtue of those offices, or the influence conferred by them, they would not seek to subvert the Established Church. He had taken the roll as it was made up at the accession of His late Majesty King William IV. There were admirals, bishops, and others, who very properly, perhaps, declared that they did not intend to use the influence conferred by their offices to subvert the Established Church; but mingled with them he found the following officers—the master of the King's band, the conductor of the same, the King's principal porter, the housekeeper at Hampton-court Palace, then the state pages, then the King's gentlemen porters, and the trumpeter of the household; and then the watermen, the barge-master, the King's swan-keeper, the Topassier to the household—he did not know what the office was, but that was the way it was spelled—and last, not least, his Majesty's rat-killer, who had to make this declaration—"I will not use my office of His Majesty's rat-killer to subvert the Established Church as by law established." The roll would not have stopped there but for the discretion of the officer who had the management of this matter. The King's chimney-sweep presented himself; but as the officer thought the matter was going too far, the chimney-sweeper did not appear on the roll. It was disgraceful to continue such a practice; let fit men be appointed, and no declaration will be necessary; and if an unfit man made a thousand declarations he would not be the better for it. If they looked to the Church of England, and saw what had been done since the Test Act was repealed, as compared with what was done before—1,500 churches having been built within the last 15 years, more than 50 times the number built in the 50 years preceding—he thought it would be found that it was not on declarations or such miserable legislation, the Church of England need depend. The best thing they could do was to take the earliest and rapidest steps to get rid of this last remnant of the system.

Mr. PLUMPTRE said, in reference to the remarks of the hon. and learned Member for Sheffield and others, that it did appear to him to be a very questionable way for any man to show his love for the great Author of our religion, by endeavouring to introduce parties into that House who said that he was a deceiver and an impostor. The hon. and learned Member for Sheffield, too, had used the strong expression, that there was excitement prevalent among the people of this country, in favour of this Bill. He (Mr. Plumptre) begged, however, to say, in contradiction of that statement, that the people were not excited at all upon the subject; and that the hon. and learned Member had given them no proof of anything of the sort. It was true, that a portion of the citizens of London had returned a gentleman of the Jewish persuasion, as one of their representatives; but, if that circumstance was to be held forth as a proof that the people of this country were in favour of this measure, he must deny it altogether, and maintain, that the desire of the people for this Bill, was not shown by their petitions to that House. He asserted, without fear of contradiction, that the most reflecting and sober-minded of the people of this country, were exceedingly opposed to this measure, and considered that it would be an injury to Christianity, if Jews were admitted to Parliament, and, that those who proposed and passed such measures as these, were undertaking a very deep and serious responsibility.

Lord J. RUSSELL said: Before this House goes to a division upon this last occasion upon which they will have to divide on this Bill, I wish to take notice of some of the arguments that have been used in this debate. In the first place, I should notice that which does not concern the admission of the Jews, but was used as an argument by the right hon. Gentleman the Member for the University of Cambridge, that if this Bill passed, Roman Catholics would take advantage of that part of it which allowed another oath to which they had no objection to be taken, and would not take the oath prescribed by law for Roman Catholics. I cannot believe that such would be the case. In the first place, you have, according to this Bill, all the penalties entailed on those who, professing the Roman Catholic religion, should omit to take the oath prescribed for those who are Roman Catholics, and your penalties will subject them to the loss of their seats, and, in the next place, to large pecuniary penalties, for every vote they give in this House. But, suppose there is any difficulty in enforcing those penalties, it is impossible for me to believe, that any person, professing the Roman Catholic religion, knowing that in the Act of Parliament there was an oath, which all those who professed the Roman Catholic religion were bound to take, would resort to the subterfuge of taking another oath, and not the oath intended by the Legislature for them, concealing their character as Roman Catholics, and endeavouring to pass off for that which they were not. I say, that if men would be guilty of such equivocation, what security would you have, in the present oath, that they had no intention to subvert the Church? So that, your security, as to those who are professed Roman Catholics, remains, I conceive, exactly the same as that which you have now. But the chief of the arguments addressed to the House against this Bill, refer to the clause of it by which Jews are to be admitted, and, as those arguments, however ably urged, have very little in them different from those urged on former occasions, I certainly do not think it necessary to detain the House upon that part of the subject. The hon. and learned Member for the University of Dublin says, that the value of this declaration is not that which is passing in every man's mind, not the individual obligation which rests upon every man, but the general obligation with respect to his conduct in this House. Now, it appears to me, that unless you have the first obligation, which the hon. and learned Gentlemen says this oath is not intended to secure, you have not, in fact, any security for the Christianity of the House of Commons. The hon. and learned Gentleman admits, that the oath cannot secure that individual responsibility, and yet if you cannot secure that— [Mr. Napier: I said, it does not secure personal religion.] So I understood the hon. and learned Gentleman to say—that the oath does not secure the personal religion of the person who takes it. But if this does not secure it, and we know perfectly well that, although, as the hon. and learned Gentleman says, the oath was intended to exclude Deists, yet the author of a work of great fame, advocating those principles, was for a long time a Member of this House, is not the personal religion of all the Members of

this House a much better security for the Christian conduct of the whole House, than any obligation you can impose by oath upon external conduct? Well, then, if you have not obtained, by this oath, any security for the personal religion of Members of this House, what is the security you obtain with regard to their external conduct? The hon. and learned Gentleman the Member for the University of Cambridge has argued to-night, that unless you have some security of this kind, there is danger that Members of this House, not belonging to a Christian community, and yet being called upon to legislate for the ecclesiastical as well as civil concerns of these kingdoms, may disregard their duties in that respect. But that is a danger which you have incurred long ago. With respect to the maintenance of the Church, —with respect to debates relating to the doctrines of the Church, you have allowed a far greater number of Members to legislate who do not belong to the Church, and many of whom are hostile to it, than you could possibly admit by the admission of Jews. The hon. and learned Gentleman the Member for the University of Dublin says, that I argued for the admission of Jews, because they were not a powerful body; and, therefore, might be admitted. That is not exactly a correct representation of what I said. What I said was this — the majority of this House are told that a certain number of persons who wished to come into this House were knocking at the door; they have very considerable influence, and say it would be very injurious to you if you do not admit them; and you admit them at once. Then there is another set of persons knocking at the door still more loudly—they say they are coming in by force of arms, and will break open the doors. You say open them at once—let them come in. Upon the third occasion you are told, "Here is a small number of persous—very few—they come on the same grounds as the other two bodies have been admitted upon. They say they are perfectly qualified as civil members of this community, and nothing but their religious differences prevent them from coming into this House." The only answer is, that this is a small number, and therefore it is perfectly safe to refuse them admission. I say, there is no magnanimity, no justice, in this. One hon. Gentleman appealed to me on the ground that many persons of great respectability, and no doubt very conscientious, thought it would be injurious to Christianity if Jews were admitted to this House. I am very sorry to differ from persons of such character, whose sincerity I respect, but I take a totally opposite view. My opinion is, that it is because we are a Christian House of Parliament, and feel the obligations of Christians, that we ought to do away with all religious disabilities. I hold that religious disqualifications of every kind are, above all things, opposed to the spirit of the constitution; and upon this ground I ask this House to agree to the Bill now before us. I cannot, of course, answer for the fate the Bill may have in the other House of Parliament; but it is true, as was stated by the hon. and learned Member for Sheffield, that there are many persons, and certainly many of my constituents, who do feel a very deep interest in this subject. They feel a deep interest in it, not as being in any way connected with Jews, not as being particularly desirous that Jews should be admitted into Parliament, but because they do feel it is a question of religious liberty, and that the character of the country is concerned in making that religious liberty full and complete. It is upon these grounds that I ask the House to agree to this Bill, and I trust it will be in this sense that it ought to become an Act of Parliament.

Question put, "That the word 'now' stand part of the Question."

The House divided:—Ayes 272; Noes 206: Majority 66.

List of the AYES.

Abdy, T. N.	Boyle, hon. Col.
Adair, H. E.	Brand, T.
Adair, R. A. S.	Bright, J.
Alcock, T.	Brocklehurst, J.
Anderson, A.	Brotherton, J.
Armstrong, Sir A.	Brown, W.
Armstrong, R. B.	Browne, R. D.
Arundel and Surrey, Earl of	Bulkeley, Sir R. B. W.
Bagshaw, J.	Bunbury, E. H.
Baines, M. T.	Burke, Sir T. J.
Baring, rt. hon. Sir F. T.	Buxton, Sir E. N.
Baring, hon. F.	Callaghan, D.
Barnard, E. G.	Cardwell, E.
Bass, M. T.	Carter, J. B.
Bellew, R. M.	Caulfield, J. M.
Berkeley, hon. Capt.	Cavendish, hon. C. C.
Berkeley, C. L. G.	Cavendish, hon. G. H.
Bernal, R.	Cayley, E. S.
Birch, Sir T. B.	Cholmeley, Sir M.
Blackall, S. W.	Clay, J.
Blake, M. J.	Clements, hon. C. S.
Blewitt, R. J.	Clerk, rt. hon. Sir G.
Bouverie, hon. E. P.	Cobden, R.
	Cockburn, A. J. E.

Coke, hon. E. K.
Colebrooke, Sir T. E.
Collins, W.
Cowan, C.
Cowper, hon. W. F.
Craig, W. G.
Crowder, R. B.
Cubitt, W.
Currie, R.
Dalrymple, Capt.
Dashwood, G. H.
Davie, Sir H. R. F.
Dawson, hon. T. V.
Denison, W. J.
Devereux, J. T.
D'Eyncourt, rt.hn. C.T.
Disraeli, B.
Divett, E.
Duff, G. S.
Duncan, Visct.
Duncan, G.
Dundas, Adm.
Dundas, Sir D.
Ebrington, Visct.
Ellice, E.
Ellis, J.
Enfield, Visct.
Evans, W.
Fagan, W.
Fagan, J.
Fergus, J.
Ferguson, Col.
Ferguson, Sir R. A.
Fitzroy, hon. H.
Fitzwilliam, hon. G. W.
Foley, J. H. H.
Fordyce, A. D.
Forster, M.
Fortescue, C.
Fortescue, hon. J. W.
Fox, R. M.
Fox, W. J.
Freestun, Col.
French, F.
Gaskell, J. M.
Gibson, rt. hon. T. M.
Gladstone, rt. hn. W. E.
Glyn, G. C.
Grace, O. D. J.
Graham, rt. hon. Sir J.
Granger, T. C.
Grattan, H.
Greene, J.
Grenfell, C. P.
Grenfell, C. W.
Grey, rt. hon. Sir G.
Grey, R. W.
Grosvenor, Lord R.
Hallyburton, Lord J. F.
Harcourt, G. G.
Hardcastle, J. A.
Hastie, A.
Hastie, A,
Hawes, B.
Hay, Lord J.
Hayter, rt. hon. W. G.
Headlam, T. E.
Heathcoat, J.
Heneage, E.
Henry, A.
Herbert, H. A.
Heywood, J.
Heyworth, L.
Hindley, C.
Hobhouse, rt.hon. Sir J.
Hobhouse, T. B.
Hodges, T. L.
Hodges, T. T.
Hogg, Sir J. W.
Hollond, R.
Horsman, E.
Howard, Lord E.
Howard, hon. C. W. G.
Howard, hon. E. G. G.
Howard, Sir R.
Hume, J.
Humphery, Ald.
Hutt, W.
Jackson, W.
Jermyn, Earl
Jervis, Sir J.
Johnstone, Sir J.
Keogh, W.
Keppel, hon. G. T.
Ker, R.
Kershaw, J.
Kildare, Marq. of
King, hon. P. J. L.
Labouchere, rt. hon. H.
Langston, J. H.
Lascelles, hon. W. S.
Lawless, hon. C.
Lemon, Sir C.
Lewis, G. C.
Lincoln, Earl of
Loch, J.
Locke, J.
Lushington, C.
M'Cullagh, W. T.
M'Gregor, J.
Meagher, T.
Maitland, T.
Mangles, R. D.
Marshall, W.
Martin, S.
Matheson, A.
Matheson, J.
Matheson, Col.
Maule, rt. hon. F.
Melgund, Visct.
Milner, W. M. E.
Mitchell, T. A.
Molesworth, Sir W.
Monsell, W.
Morison, Sir W.
Morris, D.
Mostyn, hon. E. M. L.
Mowatt, F.
Mulgrave, Earl of
Nicholl, rt. hon. J.
Norreys, Lord
Norreys, Sir D. J.
Nugent, Lord
Nugent, Sir P.
O'Connell, J.
O'Connell, M.
O'Connell, M. J.
O'Connor, F.
O'Flaherty, A.
Ogle, S. C. H.
Ord, W.
Osborne, R.
Oswald, A.
Owen, Sir J.
Paget, Lord A.
Paget, Lord C.
Palmerston, Visct.
Parker, J.
Pearson, C.
Pechell, Capt.
Peel, rt. hon. Sir R.
Peel, F.
Perfect, R.
Peto, S. M.
Philips, Sir G. R.
Pigott, F.
Pilkington, J.
Pinney, W.
Price, Sir R.
Pryse, P.
Pusey, P.
Reynolds, J.
Ricardo, J. L.
Ricardo, O.
Rice, E. R.
Rich, H.
Robartes, T. J. A.
Roebuck, J. A.
Romilly, Sir J.
Russell, Lord J.
Russell, hon. E. S.
Russell, F. C. H.
Rutherfurd, A.
Sadleir, J.
Salwey, Col.
Sandars, J.
Scholefield, W.
Scrope, G. P.
Scully, F.
Seymour, Sir H.
Shafto, R. D.
Sheil, rt. hon. R. L.
Sheridan, R. B.
Slaney, R. A.
Smith, rt. hon. R. V.
Smith, J. A.
Smith, M. T.
Smith, J. B.
Somers, J. P.
Somerville, rt.hn. Sir W.
Spearman, H. J.
Stansfield, W. R. C.
Stanton, W. H.
Strickland, Sir G.
Stuart, Lord D.
Sutton, J. H. M.
Talbot, C. R. M.
Talfourd, Serj.
Tancred, H. W.
Tennent, R. J.
Thicknesse, R. A.
Thompson, Col.
Thompson, G.
Thornely, T.
Tollemache, hon. F. J.
Townshend, Capt.
Trelawny, J. S.
Tynte, Col. C. J. K.
Vane, Lord H.
Verney, Sir H.
Villiers, hon. C.
Vivian, J. H.
Wall, C. B.
Watkins, Col. L.
Wawn, J. T.
Westhead, J. P.
Willcox, B. M.
Williams, J.
Willyams, H.
Williamson, Sir H.
Wilson, J.
Wood, rt. hon. Sir C.
Wood, W. P.
Wrightson, W. B.
Wyvill, M.

TELLERS.

Tufnell, H.
Hill, Lord M.

List of the NOES.

Acland, Sir T. D.
Adderley, C. B.
Arbuthnott, hon. H.
Archdall, Capt. M.
Arkwright, G.
Ashley, Lord
Bagge, W.
Bagot, hon. W.
Bailey, J.
Bailey, J. Jun.
Baillie, H. J.
Baldock, E. H.
Bankes, G.
Barrington, Visct.
Bateson, T.
Bennet, P.
Bentinck, Lord H.
Beresford, W.
Bernard, Visct.
Blackstone, W. S.
Blakemore, R.
Blandford, Marq. of
Boldero, H. G.
Bowles, Adm.
Brackley, Visct.
Bramston, T. W.
Bremridge, R.
Brisco, M.
Broadley, H.
Bromley, R.
Brooke, Lord
Brooke, Sir A. B.
Bruce, C. L. C.
Buck, L. W.
Buller, Sir J. Y.
Bunbury, W. M.
Burghley, Lord
Burrell, Sir C. M.
Burroughes, H. N.
Campbell, hon. W. F.
Carew, W. H. P.
Chandos, Marq. of
Chichester, Lord J. L.
Christopher, R. A.
Christy, S.
Clive, H. B. H.
Clive, hon. R. H.
Cobbold, J. C.
Cocks, T. S.
Codrington, Sir W.
Cole, hon. H. A.
Coles, H. B.
Colvile, C. R.
Compton, H. C.
Conolly, T.
Corry, rt. hon. H. L.
Cotton, hon. W. H. S.
Davies, D. A. S.

Deedes, W.
Dick, Q.
Dod, J. W.
Drummond, H.
Duckworth, Sir J. T. B.
Duncombe, hon. A.
Duncombe, hon. O.
Duncuft, J.
Dundas, G.
Du Pre, C. G.
East, Sir J. B.
Egerton, Sir P.
Egerton, W. T.
Estcourt, J. B. B.
Farnham, E. B.
Farrer, J.
Fellowes, E.
Filmer, Sir E.
Floyer, J.
Forester, hon. G. C. W.
Fox, S. W. L.
Frewen, C. H.
Fuller, A. E.
Galway, Visct.
Goddard, A. L.
Godson, R.
Gooch, E. S.
Gordon, Adm.
Gore, W. O.
Goring, C.
Goulburn, rt. hon. H.
Granby, Marq. of
Greene, T.
Grogan, E.
Grosvenor, Earl
Guernsey, Lord
Gwyn, H.
Hale, R. B.
Halford, Sir H.
Hall, Col.
Halsey, T. P.
Hamilton, G. A.
Hamilton, J. H.
Harris, hon. Capt.
Heald, J.
Heneage, G. H. W.
Henley, J. W.
Hervey, Lord A.
Hildyard, R. C.
Hildyard, T. B. T.
Hill, Lord E.
Hodgson, W. N.
Hood, Sir A.
Hope, A.
Hornby, J.
Hotham, Lord
Inglis, Sir R. H.
Jolliffe, Sir W. G. H.
Jones, Capt.
Kerrison, Sir E.
Knight, F. W.
Knightley, Sir C.
Knox, Col.
Lacy, H. C.
Legh, G. C.
Lennox, Lord H. G.
Lewisham, Visct.
Lindsay, hon. Col.
Lockhart, A. E.
Lockhart, W.
Long, W.
Lopes, Sir R.
Lowther, hon. Col.
Lowther, H.
Lygon, hon. Gen.
Mackenzie, W. F.
Macnaghten, Sir E.
Mahon, Visct.
Manners, Lord C. S.
Manners, Lord G.
March, Earl of
Masterman, J.
Maunsell, T. P.
Maxwell, hon. J. P
Meux, Sir H.
Miles, P. W. S.
Miles, W.
Moody, C. A.
Moore, G. H.
Morgan, O.
Mullings, J. R.
Mundy, W.
Napier, J.
Neeld, J.
Neeld, J.
Newdegate, C. N.
Noel, hon. G. J.
Ossulston, Lord
Packe, C. W.
Pakington, Sir J.
Palmer, R.
Peel, Col.
Pennent, hon. Col.
Plowden, W. H. C.
Plumptre, J. P.
Portal, M.
Prime, R.
Reid, Col.
Repton, G. W. J.
Richards, R.
Rushout, Capt.
St. George, C.
Sandars, J.
Scott, hon. F.
Sibthorp, Col.
Simeon, J.
Smyth, J. G.
Smollett, A.
Somerset, Capt.
Spooner, R.
Stafford, A.
Stanley, E.
Stanley, hon. E. H.
Stephenson, R.
Stuart, H.
Stuart, J.
Sturt, H. G.
Taylor, T. E.
Thesiger, Sir F.
Thornhill, G.
Tollemache, J.
Trollope, Sir J.
Turner, G. J.
Tyrell, Sir J. T.
Verner, Sir W.
Vesey, hon. T.
Villiers, Visct.
Villiers, hon. F. W. C.
Vyse, R. H. R. H.
Waddington, H. S.
Walpole, S. H.
Walsh, Sir J. B.
Welby, G. E.
Wellesley, Lord C.
Whitmore, T. C.
Williams, T. P.
Willoughby, Sir H.
Worcester, Marq. of

TELLERS.

Raphael, A.
Law, C. E.

Main Question put, and agreed to.

Bill read 3°, and passed.

PALACE COURT (WESTMINSTER) BILL.

LORD DUDLEY STUART moved for leave to bring in a Bill for giving a person sued in the Palace Court, Westminster, a right of election to be sued in the county court of the district in which he resided. The evils of the Palace Court were so notorious, that it would be unnecessary for him to make more than a few observations in order to point them out to the House. He hoped it was not the intention of Her Majesty's Government to offer any opposition to this Motion. If there were any any benefit greater than another which a Government could confer on the inhabitants of a country, it was that of bringing cheap justice home to every man's door. Now, the Palace Court prevented that from being done. It exposed those who were engaged in litigation to enormous and most disastrous consequences. The fees which were charged in that court were ten times as large as those charged in any other of the courts that took cognisance of similar causes. The consequence was, that being a court for adjudication of cases in whtch the demands were of small amount, those wretched persons who were dragged into it, were frequently reduced to absolute ruin. It was quite enough for a plaintiff to bring his cause into the Palace Court to insure to himself a verdict. The defendant had only to consent at once to what was demanded of him; because it was notorious that the verdict was always in favour of the plaintiff. So much was this known to be the case, that the court was commonly called "The Plaintiffs' Court." The public had been made familiar with the case of the celebrated writer Jacob Omnium, who in a case with a horse-dealer involving a sum of only 2*l*. 17*s*. had to pay a bill of costs amounting to 21*l*. He would ask if this was not oppression that demanded instant redress? In the Palace Court a person was not at liberty to choose his own attorney, but must employ one of a few enjoying a monopoly of the business of the court; and there could be little doubt that the attorneys enjoying this monopoly paid others in the shape of agency to induce suitors to bring cases nto tnat court. In the county

courts the process was simple, and the costs small; and he therefore thought liberty should be given to persons sued in the Palace Court to transfer their cases to the county courts. As he understood that the hon. and learned Attorney General did not intend to oppose the Motion, he would simply move for leave to bring in a Bill.

The ATTORNEY GENERAL would not oppose the introduction of the Bill. He did not deny the grievance of which the noble Lord complained; but there were difficulties in the way of a settlement. There were six attorneys, four counsel, a judge, and sundry officers who had purchased their places at a considerable price, and to whom compensation, in the event of the court being abolished, would require to be given. He had had the circumstances connected with this court under consideration, and it was his intention to bring in a Bill to meet the exigencies of the case, but hitherto he had not found time or opportunity to do so. The best course would be to abolish the court. That was the object he had in view, but he had not yet been able to overcome the difficulties that lay in the way.

Mr. B. OSBORNE said, he wondered that the hon. and learned Gentleman the Attorney General was not aware that under the 7th and 8th of Victoria, cap. 106, compensation had been already given to the parties to whom he had alluded. Many of these persons had already received much larger sums than they had paid for their privileges. The House had already paid 5,000*l.* in compensation to that court, and he held in his hand a return that had been laid before the other House of Parliament, from which it appeared that one of the attorneys of that court had been paid 3,000*l.* odd as compensation. But he could prove that the court had been illegal from its origin. It was established in the 16th of Charles II., and it had, he believed, ever since continued to tax the people by fees without the sanction of Parliament. He thought that it would be better not to bring in a Bill at all, but to withdraw the patent under which the court was held.

The ATTORNEY GENERAL said, that the Palace Court had been recognised in a variety of Acts of Parliament, and it might be urged that Parliament should not, therefore, treat it now as an illegal institution.

Mr. REYNOLDS rejoiced that his noble Friend had taken up this question, and he hoped that the House would also consent to abolish the twin sister of this court—he meant the Record Court in Dublin, and that the public would not hear of any unjust provisions for giving compensation to parties connected with it. There could be no nuisance abolished at the present day without an outcry being raised for giving some parties or other compensation.

Mr. HENRY DRUMMOND said, he apprehended that courts of justice were not established for the benefit of judges and attorneys, but for the benefit of the public.

Sir G. GREY hoped that it would be understood that his hon. and learned Friend had not alluded to the subject of compensation as a matter of right towards these parties.

Bill ordered to be brought in by Lord Dudley Stuart and Mr. Osborne.

House adjourned at a quarter after Twelve o'clock.

APPENDIX.

APPENDIX.

SPEECH OF THE RIGHT HON. CHARLES TENNYSON D'EYNCOURT ON "DURATION OF PARLIAMENTS."—TUESDAY, MAY 22, 1849. (*See* p. 848.)

MR. D'EYNCOURT said, that in bringing forward the Motion, of which he had given notice, for leave to introduce a Bill for shortening the duration of Parliaments, he owed some explanation to the House before he proceeded to state the reasons which he hoped would recommend it to their attention. It would be said that he was moving for a change which had not, of late, been sought for out of doors—that there were few petitions on the subject—and that the Motion was purely gratuitous. It was true that the petitions were not numerous, and that there was no external excitement; but it was equally true, that in every popular assembly where the proceedings of Parliament were discussed, its imputed misdeeds were charged not only to a deficiency in the representation of the people, but to that want of a due sense of responsibility on the part of the House of Commons which was occasioned by Septennial Parliaments. He thought he was doing more justice to the question if he brought it forward at a period when the subject was dispassionately dealt with out of doors, and when the House would consider it with coolness and independence, rather than wait for an ebullition of public feeling, which might lead the House into some indiscreet course—and when at any rate it might appear to be driven into an accordance with a clamorous demand. It could not be imagined that a question which before and at the period of the Revolution of 1688, and since, has at various periods, more or less continuously, been agitated, should be forgotten. It was 133 years since the Septennial Act was passed, and its repeal had been submitted twenty times, distinctly, and at other times, repeatedly, as a projected portion of a general reform of Parliamentary arrangements; and the House might rely upon it that the question was one which would never be forgotten, unless Englishmen should ever unhappily forget what were the available securities for good government. Having undertaken the subject years ago, he held it to be his duty from time to time to record the opinion of the House upon it, and to make a continual claim to what he considered a public right. If he were asked why petitions had not been more numerous, he would reply that it was for the same reason that had induced him to abstain, during the last twelve years, from bringing forward the question, namely, that since the Parliament which ended in 1837, the complexion of the House of Commons had given small promise of success; and he owned that there was little prospect of it now, when he stated that he deemed shorter Parliaments a public right: he did not mean a specific right to Triennial Parliaments, but a right to have Parliaments with a due sense of responsibility; and if Septennial Parliaments were too independent of their constituents, the people had a right to have that wrong redressed. He should endeavour to show that the people had been defrauded of what had been deliberately acknowledged in our best times to be a just settlement of the question, and that they were morally entitled to a remedy. Having on former occasions gone very fully into the history connected with this subject, he should not do more now than take a cursory view of it. There was no doubt that Parliaments were in old times, by practice, annual or rather sessional—having been summoned for immediate purposes, and then dissolved. But by usurpation, in the reigns of the Tudors and the Stuarts, there were five Parliaments, the aggregate duration of which was fifty years; and sometimes years had elapsed without any Parliament. So great were the evils arising from these long Parliaments, and on the other hand, from the occasional practice of governing without a Parliament, that before, and at the Revolution, it became a material object to do two things: first, to secure the frequent sitting of Parliaments; and, secondly, that they should be frequently elected. The Bill of Rights insisted that they should be frequently held. In 1688, the adjustment

of the duration of Parliament was postponed. In 1693 it was agitated—a Triennial Bill passed both Houses, and was rejected by the Crown; but in 1694 the Crown was conciliated, and under the auspices of Lord Somers and other great men of that day, the Triennial Act passed. It recited that—

"By the antient laws and statutes of this kingdom, frequent Parliaments ought to be held; and that frequent and new Parliaments tend very much to the happy union and good government of the King and people."

The political maxim here solemnly recorded should never be forgotten. That Act was in operation for twenty-two years, and then were passed some of the most wholesome laws on the Statute-book. Amongst others, that invaluable Act, protecting the subject from an undue exercise of power when charged with high treason. Then came the accession of George I., succeeded by the Rebellion of 1715, which in 1716 produced the Septennial Act. The preamble sets forth the grounds on which it rested. It states that the triennial law—

"Had proved very grievous and burdensome by occasioning much greater and more continued expenses in order to elections of Members to serve in Parliament, and more violent lasting heats and animosities among the subjects of this realm, than were ever known before that enactment; and, if it should continue, might probably at that juncture, when a restless and Popish faction were designing and endeavouring to renew the rebellion within this kingdom, and an invasion from abroad, be destructive to the peace and the security of the Government."

Accordingly, it was enacted, that the Parliament then existing (which had been elected for three years) and that all future Parliaments, should endure for seven years, unless sooner dissolved by the Crown. Now, as to the first branch of the preamble—of course expenses had been increased by the Triennial Act, because out of twelve Parliaments which preceded it (excluding the two long Parliaments, occupying twenty-nine years), the average of the remaining ten was only nine months each, which shows that long Parliaments had not become habitual, and that in fact the Triennial Act had lengthened the usual term, although it prevented the occasional abuse. The average of the nine Parliaments held under the triennial law was rather more than two years each. But it is obvious that there would be greater contention for a Septennial Parliament; and the fact was, that after the Septennial Act, the enormous expense of elections and the gross corruption in and out of Parliament, became matter of loud and general complaint. With regard to the other branch of the preamble, it only laid the ground for a temporary change. Tindal says, it was at first intended only to make the change for one term of seven years; but advantage was taken of the opportunity to get rid of Triennial Parliaments altogether. He would pass over the violence accomplished by a Parliament elected for three years voting itself an existence for seven. It was a *coup d'etat* to avoid an immediate public danger, and only to be justified, like other lawless violences, by imperious political necessity; and this point did not affect the present question. The first Septennial Parliament had been stated to be one which went further in enslaving and impoverishing the people than any of its predecessors; and bells and benefices celebrated its dissolution. After eighteen years of these lengthened Parliaments, during which three of six years each had been experienced, so great and flagrant were the evils, that in 1734 a Motion was made to repeal the Act of 1716, which after a most able and interesting debate was negatived by 63 in a House of 431 Members; Mr. Pulteney and others, who had supported the Septennial Act, then voting for its repeal. The attempt was repeated continually, and the gross abuses and corruption engendered by these long Parliaments in the last century (the usual duration being about six years), at length produced a loud demand for a general reform of Parliament, with the two distinct objects of more perfect representation, and an increased sense of responsibility, by shortening the Parliamentary term of existence. These two objects formed the elements of every general plan of reform: they were so stated by Lord Grey and the friends of the people in 1793; and when in 1831 the first Reform Bill was submitted to Parliament in the month of March in that year, by his noble Friend (Lord John Russell), it was matter of surprise and dissatisfaction that shorter Parliaments did not form a part of the project. But his noble Friend held out the hope that the consideration of this point was only postponed—for he expressed himself in these terms with regard to it. He said—

"I cannot but take notice of some particulars, in which, perhaps, this measure will be considered by many to be defective. In the first place, there is no provision for the shorter duration of Parliaments, That subject has been considered by His Majesty's Ministers; but, upon the whole, we thought that it would be better to leave it to be

brought before the House by any Member who may choose to take it up, than to bring it in at the end of a Bill regulating matters totally distinct."

And after some other observations, he added—

"What the point is at which we may fix the proper control of the constituency, I do not think it necessary to discuss at present. When the question comes under the consideration of the House, I shall be ready to deliver my opinion."

Now, whatever some Gentlemen might think of this question as a dangerous suggestion, it is clear that Lord Grey's Cabinet entertained it deliberately, and even challenged the opinion of Parliament upon it. This was in March, 1831. The elections under the Reform Act took place in December, 1832. At the election for North Lancashire, a Colleague of his noble Friend at that time, now a Member of the other House of Parliament, made a declaration which surprised the whole country, and he should suppose surprised his noble Friend himself and his other Colleagues; for these were the words :—

"If, Gentlemen, it should be attempted in another Parliament to bring forward any of those sweeping Motions for shortening the duration of Parliaments, and extending further the elective franchise, or of introducing that which I believe is falsely styled the protection of the ballot, to those measures, as individuals and as Members of the Government, we are bound (and I announce at once and openly our determination) to give a decided opposition."

Now this was clearly inconsistent with that fair latitude with regard to the present question of which his noble Friend had given assurance; and, however inauspicious it appeared, it did not deter him (Mr. D'Eyncourt) from bringing forward on 23rd July, 1833, a Motion for shortening the duration of Parliaments, conformably to the general invitation given by his noble Friend. That Motion was, to a certain degree, met by the Government with a reasonable indulgence, so as to show that the proposition was not deemed one which it was impossible to entertain; for his late lamented Friend, Lord Spencer, then Lord Althorp, and the leader of the Government in that House, instead of meeting it by a direct negative, contended that it was too late in the Session to consider it—that such consideration should be postponed to the next Session; and accordingly moved the previous question. On a division, in a House consisting of 381 Members, the Motion was only lost by a majority of forty-nine, although Ministers and their adherents voted against it. Pursuant to this suggestion of Lord Althorp, he (Mr. D'Eyncourt) made another attempt, on 13th May, 1834; and in a House of 424 Members, he only failed by fifty votes, so that a different opinion on the part of twenty-six of them would have carried it. In 1837 he again failed by nine votes only; but as there were only 187 Members present, he could not consider it any test of the real opinion of the House. Having suffered twelve years to elapse without renewing the Motion, he could not be deemed importunate in submitting it now. In the interval there had been two Parliaments; one of them endured six years, the usual length of a septennial Parliament, when not disturbed by special circumstances, such as the demise of the Crown, or some political convulsion. Now, let the Gentlemen opposite observe what occurred in that Parliament of six years. They will recollect their constant complaint and accusation that those who were elected in 1841, forgot, in 1846, their declared intention, amounting to a pledge, to support the corn laws; and so it will ever be. If men be elected for a period long enough for seduction to work its ends, and longer than one in which the general nature of the business to be done can be probably foreseen, it will be found that the sympathy and good understanding which existed at first has disappeared. The people then became dissatisfied with their representatives, seeing that they support the Crown's Ministers in matters which they disapprove; and this produces alienation from the Sovereign, disturbing that happy union and good agreement between the Crown and the people which it was the object of the triennial law to maintain. In shorter Parliaments a community of feeling remains between the constituency and the representative, whose general views and opinions have been examined and expressed at the election. But in a long period, Members gradually change their opinions; or, if they are steady, the constituencies may change theirs; and indeed the constituency itself becomes materially changed in its own personal composition, and frequently much enlarged. Various matters arise as to which there has been no conference as to identity of views, and so oftentimes long Parliaments and the laws they make are distrusted and disliked by the people. This was the evil intended to be cured in 1694 by the great men of the Revolution. But the Septennial Act having produced an average length very much beyond any which before ex-

isted, had increased instead of curing the evil. When a new condition of things not contemplated at the election arises, the people are in a great degree unrepresented, or rather, misrepresented, for years. The present Parliament was elected in 1847. We might have five more Sessions—probably four. Now, do not the Gentlemen opposite believe, at this moment, that a new Parliament would redeem what they consider the error of 1846, and re-enact the protection of the corn laws? But how will they obtain a new Parliament? He offered them the means, although he did not agree with them in the object, or think there was any probability of such a result. Yet, if they thought otherwise, it was a reason why they should support him. Then it was said that more frequent elections would interrupt a course of steady policy, as a Parliament would not live to perfect anything. The reverse seemed to be the truth. After six years, there would, since the Reform Act, always be such a change of men that continuity of action was more likely to be broken; and sometimes the increase of new Members might be so extreme as to produce much mischief; whereas shorter Parliaments would avoid these abrupt changes, because the same men would, to a much greater extent, be re-elected. Seven years—considering the rapid march of events at this period of our political existence, when public opinion is much more quickly formed and spread; when new subjects almost daily arise, and everything proceeds with a degree of speed twentyfold greater than it did 100 years ago—seven years, he contended, must now be deemed as much as twenty at that period. The same men would, if the term were shortened, much more frequently be returned to deal out a continuous policy, because they would better maintain the good opinion of their constituents, and not forget them, or be forgotten by them. The substitutions of men would be gradual, and changes of policy would therefore, in like manner, be gradual. If shorter Parliaments had been part of the Reform Act, there would have been less complaint as to the insufficiency of the suffrage, because the quickened responsibility of Members would have rendered them more efficient. There might be any imaginable extent of suffrage, and the most effective laws to prevent corruption; yet, if the ingredient of responsibility were not sufficiently infused into the system, all would be ineffective. In his opinion, therefore, this measure was more important even than an extension of the suffrage (although that was also indispensable); and having been adopted into the constitution at a period when its principles were ascertained and fixed by some of the greatest men this country had produced; and having afterwards, under a mere pretext, been ejected from it—he called upon Parliament now to restore to the people the security of shorter Parliaments. The result would be a continued confidence on the part of the people. It would insure the stability of our institutions, and the Crown would be more sure of governing by public opinion, without which in these days there was no public safety. Corruption would necessarily be diminished, not only at elections, but within the Parliament itself. A Member might enter the House with a vivid remembrance of his speeches on the hustings; but he had six or seven years before him. After a time, visions of ambition and personal aggrandisement floated before his imagination. Gradually—imperceptibly—almost unknown to himself—he was seduced. The immense patronage of the Crown, which might be exercised in favour of Members and their connexions—in the Army, Navy, Ordnance, Church, Colonies, and Civil Departments of the State, gave a Government extraordinary means of gaining the hearts of Members during the period of a long Parliament. Even ordinary events gave Ministers the opportunity of showing courtesies and conferring small favours—is that corruption intended or felt?—and, gradually, men were won without their knowing how. Any Member, who generally supported a Government, however independent he might be, was occasionally asking, as he (Mr. D'Eyncourt) had sometimes done, of his hon. Friend the Secretary of the Treasury a little place in the Customs, or Excise, for the son of a constituent; and although he was sorry to say his hon. Friend had never so gratified him, yet, now and then, in a division, if he voted against the Ministers, he felt he was risking his chance of obtaining for some young friend an object of this description. He put the matter in a jocular tone; but, in fact, these things operated on the mind through a long parliamentary period. He believed that no man ever yet defended seven years as a fit and wholesome term. Would his noble Friend the First Lord of the Treasury now defend it? If he did, he would give his reasons. He thought

he had more than once heard his noble Friend whisper something about five years. Now, if the noble Lord really deemed that a fit term, why not say so at once?—and then he (Mr. D'Eyncourt) would tell him how far he would be inclined to yield to such a suggestion. If it should come recommended by high authority—if there appeared to be a general acquiescence in such an arrangement—he, as an individual, would be bound to listen to it; but in the absence of any such disposition evinced, he should hold to the proposition of triennial Parliaments as the term adopted into the constitution in the best time of our history. He did not mean to say that because it had been adopted in 1694, it was necessarily the golden term. But seven years was an accidental term, calculated in 1716, as fitting the particular exigency, in order to add four years to the existence of the Parliament then sitting. We were the only people who had adopted seven years. France took five years under the restored Bourbons and Louis Philippe. Belgium had four years —renewable in moieties every two years. Sicily, in the proposed constitution of 1812, recommended by the British Government, had four years, as might be seen from the Sicilian papers, now on the table. If we examined all the new and projected constitutions throughout Europe, we should find that while, in the main, they imitated the general frame of ours, all carefully avoided seven years, and adopted a shorter period for the endurance of their representative bodies. Then why should we alone retain the septennial term? Let us be wise in time, and strengthen the frame of our constitution by allying the Parliament more intimately with the people. Their confidence, so increased, would establish that closer union, and secure that good agreement between them and the Crown, which would invest it with more real strength and useful power, and would thus impart increased vitality to our matchless form of government. The right hon. Gentleman concluded by moving for leave to bring in "A Bill for Shortening the Duration of Parliaments."

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TO

HANSARD'S PARLIAMENTARY DEBATES,

VOLUME CV.

BEING THE FOURTH VOLUME OF SESSION 1849.

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1028 — 17, from bottom, *for* the Clause was withdrawn, *read* the Proviso was withdrawn.

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